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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 17, 2012.

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

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

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

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

THE PEACE OFFICER

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

Mr. POE of Texas. Mr. Speaker, one muggy summer night in July 2011 in Beaumont, Texas, John Wesley Nero got into an argument with his mother and his grandmother. Being the worthless man that he was, he beat them both up and then fled in the darkness of the night. Local police officers confronted the outlaw, but he fled away in his truck and led the officers on a high-speed chase down a dark country road. Meanwhile, down that road, Officer Bryan Hebert intentionally positioned his vehicle ahead of the chase and was attempting to retrieve road spikes out of the trunk to stop Nero and his vehicle. But when Nero saw Hebert's patrol car, he purposely crashed into the vehicle, barreling over Officer Hebert and killing him. Officer Bryan Hebert was 36 years of age and was a 10-year veteran of the Beaumont, Texas, Police Department.

On an early Sunday morning last May, one of Houston's finest, Officer Kevin Will, was investigating a hit-and-run accident in Houston. Suddenly, a different vehicle was speeding by and blazed past the police barriers at the accident where Officer Will was investigating. Immediately, before being struck, Officer Will yelled at a witness to jump out of the way, thus saving that citizen's life just before the officer's life was stolen from him. Officer Will was 38 years of age and had been with the Houston Police Department for only 2 years. He left behind a pregnant wife and two stepchildren.

The driver of that speeding vehicle ignored all the safety lights of police cruisers at that accident scene. He was drunk, charged with intoxication, manslaughter of a police officer, evading arrest, and possession of cocaine. The accused killer also had been in the United States illegally, having been deported once, but came back to commit crime.

Police officers dedicate their lives to protecting the rest of us from the anarchy of the lawless. Some of them, like Officer Hebert and Officer Will, never get to go back home to their families.

This week, during Police Week, we honor those law enforcement officers who have given their lives. We also honor their families. Thousands of peace officers and their families have traveled to Washington, D.C., this week to respect and remember the fallen. No matter if they're from New York City or Beaumont, Texas, they're all here for the same reason: to respect the memory of those amazing souls who have died in the line of duty somewhere across America's plains.

On May 17, 1792, New York City's Deputy Sheriff Isaac Smith became the first recorded peace officer to be killed in the line of duty. Since his death, nearly 21,000 peace officers have been killed somewhere in America. Although crime is on the decline in the United States, crimes against police officers are on the rise. There's been an alarming 75 percent increase in police officer deaths since 2008.

During my 20 years as a judge in Texas, I had the privilege of working alongside some of America's finest—the peace officers. Unfortunately, some of those peace officers that I had known were killed in the line of duty.

Peace officers often become victims of the crimes they seek to prevent. When a peace officer puts on a uniform in the morning, they represent everything that is good and right about our country. They're the last strand of wire in the fence between the law and the lawless. They protect us from those who lurk in the shadows of crime and create havoc in our society. Peace officers willingly fight the forces of anarchy and bring order to the rule of law. They do this, in some cases, with little or no appreciation from the citizens that they protect.

This yearly tribute here in Washington, D.C., provides each of us with an opportunity to honor fallen peace officers like Officer Bryan Hebert of the Beaumont, TX Police Department and Officer Kevin Will of the Houston Police Department and all the others who have given their lives in the name of keeping peace in America.

And that's just the way it is.

NATIONAL DEFENSE AUTHORIZATION ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from

Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Today, the House will debate the Defense Authorization Act for the next fiscal year. While nothing is more important than protecting America while keeping our men and women in uniform safe, the authorization before us today wastes too much of our Nation's precious wealth and represents yet another missed opportunity for badly-needed reform.

H.R. 4310, unfortunately, highlights Congress's inability to make hard choices on defense spending. It opts for an all-of-the-above strategy and puts the funding of an already bloated military budget ahead of any semblance of fiscal responsibilities. If passed, the authorization would represent 57 percent of our total discretionary budget.

It's clear to most people outside Congress that we can no longer separate national security from fiscal responsibility. Congress needs to get that message. Our constituents certainly understand.

Last week, a Stimson Center poll showed that, on average, Americans feel that the defense budget should be reduced by 18 percent next year. Instead, this bill will decrease spending by less than one-half of 1 percent after 13 consecutive years of increase.

While budget hawks and military experts agree we need to cut defense spending, this year's defense authorization provides $8 billion more than the cap for the defense budget set by the Budget Control Act, which both parties supported and enacted into law to solve last summer's manufactured debt ceiling crisis.

Many supporting the bill will raise a false choice between defending America or rebuilding and renewing America, its infrastructure, and our economy. We can and we must do both. Spending too much for the wrong people to do the wrong things will undermine the very security at home we seek to buy through more military spending. Crumbling bridges and roads, failing schools, and a massive national debt all pose a greater national threat to America's power abroad than right-sized defense spending.

We know how to do this. We have had a cascade of plans, ranging from the Cato Institute to the Bowles-Simpson to progressive think-tanks. All would meet our 21st century need for national defense while keeping promises to future generations here at home.

In addition to ending the war in Afghanistan more quickly, there are many ways to decrease defense spending. Increased efficiency in naval deployment can reduce the need for battleships. We don't need a growing supercarrier fleet. The United States' 11 aircraft carriers add up to more than the rest of the world combined, and many of the countries that have aircraft carriers are our allies.

The current level of investment in our nuclear arsenal with capabilities that correspond to no real military challenge makes no sense and wastes hundreds of billions of dollars.

□ 1010

Unfortunately, the Republican leadership either can't or doesn't want to work towards a balanced approach to reduce defense spending. This was illustrated by the response to an amendment I offered in the Budget Committee last week. Instead of making tough choices on defense spending, our Republican colleagues decided to give the Pentagon even more than they asked for and provide them this funding in part by eliminating food stamp benefits for 2 million people, reducing benefits for 44 million more, curtailing Meals on Wheels, and eliminating school lunches for 280,000 children.

The level of spending in today's defense authorization is absurd. But more shocking is what Americans are being forced to give up to continue funding the Pentagon at this level.

Congress needs to show some leadership and ability to make difficult choices. That's why I'm leading, along with Representatives LEE and FRANK, an amendment to cut defense spending for the next fiscal year by the $8 billion that would align the bill with the level already authorized and written into law last fall.

We can and should go further, but at the very least most should be able to agree that Congress ought to play by the rules we created, not sidestepping them at the expense of struggling families, disadvantaged school children, and our seniors. Unless we are able to fix this bill, I strongly urge my colleagues to vote ''no.''

EOD TECHNICIANS KILLED IN ACTION

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

Mr. CRAWFORD. Mr. Speaker, I rise today to honor the lives of two brave men who died serving their Nation. Explosive ordnance disposal technicians serve the important role of disarming explosive devices (IEDs) in war zones and here at home. As a former EOD tech myself, I know the dangers these soldiers face, and today I honor their ultimate sacrifice.

Naval Lieutenant Christopher Mosko trained for more than a year to become an EOD technician. He was assigned to EOD Mobile Unit 3 for the past 3 years, and during that time, among other missions, he supported humanitarian operations following the earthquake in Haiti. He was killed in an IED blast in Afghanistan on April 26 of this year, directly supporting Navy and Army special operations forces.

Lieutenant Mosko and his wife, Amanda, called San Diego home. Lieutenant Mosko was described by his command as a personable and outstanding leader who went out of his way to support his men. They also said he was a kind and gentle person who will be greatly missed by the EOD family.

Twenty-five-year-old Marine Sergeant John Huling was killed by gunshot wounds inflicted by a person wearing an Afghan National Army uniform in the Helmand province of Afghanistan. Sergeant Huling enlisted in the Marine Corps in 2006. He deployed to Iraq in 2007 and was on his second combat deployment. As an EOD tech, he was assigned to the 7th Engineer Support Battalion, 1st Marine Logistics Group at Camp Pendleton in California.

Sergeant Huling's mother said: ''He was brave and selfless and gave his life for his country so everybody could enjoy the freedom that we live now.''

Sergeant Huling is survived by his wife of 2 years, Priscilla; a brother, who is also a marine; and a sister.

Mr. Speaker, Navy Lieutenant Christopher Mosko and Marine Sergeant John Huling are American heroes. Each brave man died in action defending the freedoms so many Americans take for granted.

I did not know these two men, but to many, these men were sons, husbands, brothers and friends. Because they served, America and the world are safer and more free. Their families are in my thoughts and prayers, and I ask that all Americans remember the sacrifice they made.

Explosive ordnance disposal technicians are the first line of defense in the war on terror, protecting our servicemembers from IED threats overseas and in homeland missions. The EOD community deserves the respect and full resources of the Department of Defense to continue their lifesaving mission.

God bless the memory of Lieutenant Mosko and Sergeant Huling, and may God continue to bless the United States of America.

LEGISLATION RELATING TO IRAN

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

Mr. KUCINICH. This week, Congress is considering two pieces of legislation relating to Iran. The first undermines a diplomatic solution with Iran and lowers the bar for war. The second authorizes a war of choice against Iran and begins military preparations for it.

With respect to H. Res. 568, which eliminates the most viable alternative to war, the House is expected to vote on this. I would urge Members to read the resolution because section 6 rejects any U.S. policy that would rely on efforts to contain a nuclear weapons capable Iran. Section 7 urges the President to reaffirm the unacceptability of an Iran with a nuclear weapons capability, and opposition to any policy that would rely on containment as an option in response to Iranian enrichment.

This language represents a significant shift in U.S. policy, and would guarantee that talks with Iran currently scheduled for May 23 would fail. Current U.S. policy is that Iran cannot acquire nuclear weapons. Instead, H. Res. 568 draws the red line for military action at Iran achieving a nuclear weapons capability—capability—a nebulous and undefined term that would include a civilian nuclear program.

Indeed, it's likely that a negotiated deal to prevent a nuclear-armed Iran and to prevent war would provide for uranium enrichment for peaceful purposes under the framework of the nonproliferation of nuclear weapons treaty, with strict safeguards and inspections. This language in this bill makes such a negotiated settlement impossible. At the same time, the language lowers the threshold for attacking Iran. Countries with nuclear weapons capability could include many other countries like Japan or Brazil. It is an unrealistic threshold.

An associate of former Secretary of State Colin Powell stated:

This resolution reads like the same sheet of music that got us into the Iraq war.

Now, H.R. 4310, the National Defense Authorization Act, authorizes war against Iran and preparing the military for it. I want to point out how this happens. While H. Res. 568 undermines our diplomatic efforts and lowers the bar for war, H.R. 4310, the NDAA, begins military preparations for war. Members ought to read this. Section 1221 makes military action against Iran a U.S. policy. Section 1222 directs our Armed Forces to prepare for war. Now if you read these sections, you'll see that what I'm saying is true.

Now, under subsection A, it says that Iran may soon attain a nuclear weapons capability, a development that would threaten the United States interests, destabilize the region, encourage nuclear proliferation, and further empower and embolden Iran, and on and on. But the International Atomic Energy Agency, as well as the U.S. and Israeli intelligence, have all agreed that Iran does not currently have a nuclear bomb, is not building a nuclear weapon, and does not have any plans to do so. Both U.S. and Israeli officials also agree that a strike on Iran would only delay their nuclear program and actually encourage them to pursue nuclear weapons.

Sustained diplomatic engagement with Iran is the only way to ensure transparency and to prevent a nuclear-armed Iran. Rejecting or thwarting any inspections-based deal we are currently seeking with Iran, even when analysts are expressing guarded optimism that a near-term deal is achievable, makes preemptive military action against Iran more likely.

Now I just want to cite some provisions right from the bill.

In order to prevent Iran from developing nuclear weapons, which they're not doing, the United States, in cooperation with its allies, must utilize all elements of national power, including diplomacy, robust economic sanctions, and credible—get this—''visible preparations for a military option.''

Under section 1222 where they talk about U.S. military preparedness, it talks of pre-positioning sufficient supplies of aircraft, munitions, fuel, and other materials for both air- and sea-based missions. Under subsection B it talks about maintaining sufficient Naval assets in the region—get this—to launch a sustained sea and air campaign against a range of Iranian nuclear and military targets.

Now come on, we're getting ready for war against Iran. Why? I mean, we ought to have a broad debate about this other than just burying this section of a bill in the National Defense Authorization Act. We have plenty of evidence there is no reason to go to war against Iran. We made the mistake in Iraq. Let's not make another one with Iran and set off World War III.

□ 1020

YUCCA MOUNTAIN

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

Mr. SHIMKUS. Madam Speaker, I've come back to the floor, as I have almost weekly since this Congress, to talk about nuclear waste.

It's kind of unique to follow my friend from Ohio (Mr. KUCINICH) because we are a nuclearized country; we do have nuclear weapons. A lot of our nuclear weapons were developed from World War II. And guess where the waste still is from World War II? Still buried in silos under the ground in Hanford, Washington. That's a legacy of 50 years of nuclear waste that we still have yet to address—not including the nuclear waste for fuel, which is what I'm going to talk about today. I'm going to the State of Michigan and the State of Indiana.

Michigan has five nuclear reactors. They're all on the Great Lakes—either Lake Michigan or Lake Superior, I think—and the waste is right next to these Great Lakes. So we want to do a comparison/contrast, as I do every week based upon a region of the country, and compare where the nuclear waste is in Michigan to where it should be, under Federal law—the 1982 Nuclear Waste Policy Act and the adjoining amendments passed in 1987—that says we need to consolidate our high-level nuclear waste and put it in one single repository that is underneath a mountain in a desert, and that place is Yucca Mountain.

So let's compare the two locations. I'm picking the Cook Nuclear Generating Station in Michigan, comparing it to Yucca Mountain. How much nuclear waste do we have at Yucca Mountain? Zero. How much do we have at Cook? We have 1,433 metric tons of uranium—this is of waste—at just one nuclear facility at Cook.

Where is the waste stored? At Yucca, it would be 1,000 feet underground. Where is the nuclear waste stored at Cook? Well, it's stored above ground in pools and in casks. How is it compared to the groundwater issue? Well, at Yucca Mountain it would be 1,000 feet above the water table. As we know, at Cook it's 19 feet above the groundwater table.

Yucca Mountain is 100 miles from the only body of water you can find in a desert, and that's the Colorado River. That's 100 miles away. How far is the nuclear waste at Cook? Well, you can see from the picture it is next to Lake Michigan. So in a comparison/contrast, it's easy to see that Yucca would be a safer place to put high-level nuclear waste than Cook Generating Station in Michigan.

So what have the U.S. Senators done from the surrounding States on this position of, should they have nuclear waste in their State or should they not? Senator COATS is supportive of Yucca Mountain. Senator LUGAR is supportive of Yucca Mountain—I have quotes here that affirm that. Senator LEVIN has voted for Yucca Mountain and supports that. And our friend, my former classmate here in the Chamber—and she is a good friend of mine—DEBBIE STABENOW, has not supported Yucca Mountain.

So part of why I'm coming down to the floor is just to help paint the picture that there is nuclear waste all over this country—104 different reactors, not including our defense waste—and it's stored all over the place. Wouldn't it be better to have a centralized location to put the nuclear waste in? So I've been doing a tally of U.S. Senators, and we finally got over the 50–Senator mark. Because of the Senate rules, you know you have to break the filibuster. That's 60 votes.

It's interesting now, based upon the information, past information—whether gleaned from votes or public statements—we have 54 U.S. Senators who say we ought to have Yucca Mountain as our single repository. We have 19 that we really have no record of a statement or a vote. And then we have 21 that have, either as a former House Member or a public statement, said, no, we don't think Yucca Mountain is a place for nuclear waste to go.

We still have a couple more States to go, and we're hoping that we get to a 60-vote position to make the claim throughout the country that these Senators should really deal with this issue of high-level nuclear waste, not just the spent fuel, but, as we talked about earlier, the defense waste in this country.

This was a promise made to the ratepayers of States that have nuclear power. The government said we're going to charge you extra for your electricity. We will take your money, and we will build a long-range geological repository for nuclear waste, and that's Yucca Mountain.

VIOLENCE AGAINST WOMEN ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. CICILLINE) for 5 minutes.

Mr. CICILLINE. Madam Speaker, yesterday, this Chamber narrowly passed a bill entitled the Violence Against Women Reauthorization Act. But although the bill we voted on shared its name with landmark legislation that this Chamber passed in 1994 to deter crimes against women, it failed to advance the important protections that should be afforded to all victims of domestic violence and sexual assaults.

Our colleagues in the Senate, Democrats and Republicans, worked together to pass a strong, bipartisan reauthorization of the Violence Against Women Act. Yet, rather than carrying on the important tradition of working in a bipartisan fashion to strengthen and reauthorize the Violence Against Women Act here in the House, Republicans crafted a partisan bill that failed to include many of the important protections enacted by the Senate. In fact, the Republican legislation would undermine vital protections and services for victims of domestic violence. The House Republican proposal left out improvements that the Senate had passed, including protections for immigrant women, college students, and LGBT Americans.

A bipartisan coalition of 13 women Senators, including Republican Senator LISA MURKOWSKI, signed a letter to Speaker BOEHNER yesterday urging that he call a vote on the strong, bipartisan Senate-passed bill that would strengthen protections for all victims of domestic and sexual violence saying, ''We should not let politics pick and choose which victims of abuse to help and which to ignore''—a bill, by the way, that every single woman in the Senate, Republicans and Democrats, voted for.

Reauthorizing important provisions that help ensure the safety of all victims of domestic and sexual abuse across our country should be routine—even in Washington, D.C. But once again, House Republicans have allowed a far-right ideology to interfere with the commonsense approach to protecting women and families from violence.

Women's lives are too important for another round of congressional brinksmanship. Last year, in my home State of Rhode Island, more than 13,000 hotline calls were answered by the Rhode Island Coalition Against Domestic Violence.

Republicans in this Chamber are wrong to relegate the safety and well-being of these women behind an extreme political ideology. I urge my colleagues to continue their strong support for the bipartisan Senate legislation that would provide effective protections for all victims of sexual or domestic violence. We must keep the pressure on for passage of the Senate bipartisan bill. America's women and our families deserve no less.

NATIONAL DEFENSE AUTHORIZATION ACT

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

Mr. GRIFFITH of Virginia. Madam Speaker, later today, we will debate the National Defense Authorization Act. Just yesterday evening, section 1021 of last year's bill was given an injunction by U.S. District Judge Katherine Forrest when she stated:

> In the face of what could be indeterminate military detention, due process requires more.

As we debate this bill, we will have an opportunity to act on several amendments which will make due process a key part of this bill and eliminate the concerns that the judge had when granting that preliminary injunction.

I take the opportunity today to remind us of some history. Dateline: Paris, December 20, 1787. In a letter to James Madison, Thomas Jefferson wrote, in regard to the Constitution of the United States that was being proposed:

> I will tell you now what I do not like. First, the omission of a Bill of Rights providing clearly and without aid of sophism, for freedom of religion, freedom of the press, protection against standing armies, restriction of monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury in all matters of fact triable by the laws of the land, and not by the laws of nations.
>
> To say, as Mr. Wilson does, that a Bill of Rights was not necessary because all is reserved in the case of the general government, which is not given, while in the particular ones, all is given which is not reserved, might do for the audience to which it was addressed; but it is surely a gratis dictum, the reverse of which might just as well be said; and it is opposed by strong inferences from the body of the instrument, as well as from the omission of the cause of our present Confederation—that would be the Articles of Confederation—which had made the reservation in express terms.
>
> It was hard to conclude, because there has been a want of uniformity among the States as to the cases triable by jury, because some have been so incautious as to dispense with this mode of trial in certain cases; therefore, the more prudent States shall be reduced to the same level of calamity.
>
> It would have been much more just and wise to have concluded the other way, that, as most of the States had preserved with jealousy this sacred palladium of liberty, those who have wandered should be brought back to it, and to have established general right rather than general wrong.

□ 1030

He goes on:

> For I consider all the ill as established, which may be established. I have a right to nothing which another has a right to take away.

And he goes on:

> Let me add that a Bill of Rights is what the people are entitled to against every government on Earth, general or particular, and what no just government should refuse, or rest on inference.

There are those, in regard to the debate on the NDAA and particularly section 1021 of last year's bill and the similar language this year, that it is inferred that those rights are not given away. Jefferson was not willing to allow us to rest on the rights of inference, nor should we in this Congress also not be willing to rest on the rights of inference.

And when particularly you have language such as this coming out of the court yesterday evening, this court finds the plaintiffs who are, as discussed below, have reasonable fear of future government action sufficient to confer standing.

Ladies and gentlemen, many of you cannot see it, but behind me here in the desk is the word ''liberty stands,'' it is written in. It was not left to inference. It's right here for us to look at every day. And, ladies and gentlemen, as long as I serve in Congress, I will stand up for liberty and make sure that no citizen of the United States has their due process removed.

I will support the Amash amendment, the Smith amendment, and the Goodlatte amendment. Thank you very much. I hope you do the same.

OUR NATION IS AT A HISTORIC CROSSROAD

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

Mr. QUIGLEY. Madam Speaker, I rise today because our Nation is at a crossroads. We are emerging from a deep recession but face a deficit topping $1 trillion for the 4th straight year.

And while we all agree that we must reduce our deficit, the real question, of course, is: How? How we decide to reduce our deficit will not only define our budget, it will define who we are as a Nation. Will we be a Nation that cuts vital programs like food and Medicaid in order to not only preserve but grow an outsized defense budget? Or will we choose a middle ground that is balanced, bipartisan, big, and leaves nothing off the table, including defense?

Sadly, the National Defense Authorization Act before us offers no middle ground and is not bipartisan. It is not balanced. At a time when we are being asked to cut education, infrastructure, and health care, this defense bill increases spending $4 billion over the President's request.

Let me be clear. We all want to cut spending. In fact, I, myself, introduced a bipartisan budget that mirrored the Simpson-Bowles plan and would have reduced the deficit with two-thirds cuts and one-third revenue. But the key to developing a bipartisan, balanced plan is to put everything on the table, including defense.

Military spending has more than doubled in the last 10 years and now comprises close to 20 percent of our overall budget. We spend almost four times more on defense than China and more

than the next 10 largest military spenders combined. We spend $500 million a year on military bands alone.

But it's not just about what we spend; it's also how we spend. Former Secretary of Defense Gates called for billions in cuts, saying, ''what had been a culture of endless money'' at DOD must ''become a culture of savings and restraint.''

Admiral Mike Mullen once called our debt the ''greatest threat to our national security.''

The Sustainable Defense Task Force and the Bipartisan Policy Center have also outlined close to $1 trillion in defense cuts that can still keep us safe.

But this defense budget doesn't reflect the expertise of our military leaders, defense experts, or the American people.

It ignores our military leaders by including a new east coast missile interceptor the Pentagon doesn't want, and it rolls back efforts by the DOD to be more energy efficient because the commanders on the ground know that lives are lost transporting fuel to troops abroad.

It ignores military experts by funding the deadly V–22 Osprey, which is 186 percent over budget, it is not safe to fly in extreme heat or excessive sand, has killed 36 servicemembers, and can be replaced with cheaper helicopters.

It also ignores experts such as Henry Kissinger, who promote drastically reducing our nuclear stockpile by including a huge funding increase for nuclear upgrades.

Finally, perhaps more importantly, it ignores the American people, who want a smaller military footprint and want our troops home from Afghanistan. According to a recent report released at the Stimson Center, the public supports cutting the defense budget by 18 percent. And according to the latest opinion polls, close to seven in 10 Americans oppose the war in Afghanistan, yet this defense bill includes language aimed at slowing down the withdrawal of U.S. troops.

We aren't fighting the Cold War anymore, yet this budget continues to invest billions in nuclear weapons and thousands of troops stationed in Europe and Asia.

Today our greatest threat is a global network of extremists who find safe haven in ungoverned spaces across the world. There have been at least 45 terrorist attacks plotted against the U.S. since 9/11, and each one of them was foiled, not by our mass ground forces in Afghanistan, but through intelligence, policing, and citizen engagement.

According to terrorism expert Erik Dahl of the Naval Postgraduate School, when it comes to domestic attacks and securing the homeland, what works is really good, old-fashioned policing, law enforcement, tips from the public, and police informants. Our enemy today must be caught with less costly policing, intelligence gathering, and special operations, not multibillion dollar tanks and nukes.

The real ramification of overspending on defense is not simply that we have too many unneeded nukes or planes, but that we don't have enough resources to support vital domestic investments such as health care, education, and infrastructure needed to remain a superpower.

Military power is not simply about spending more than our adversaries. Real military power, argues Kori Schake, a former MCCAIN advisor, is ''premised on the solvency of the American Government and the vibrancy of the U.S. economy.'' In order to maintain that vibrancy, we must get our fiscal house in order and do so by reexamining our defense spending, and making cuts and reforming where necessary.

CELEBRATING NATIONAL NURSES WEEK

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. MCKINLEY) for 5 minutes.

Mr. MCKINLEY. Madam Speaker, every year, in May, this country celebrates National Nurses Week. Often described as an art and a science, nursing is a profession that embraces dedicated people with varied interests, strengths, and passions because of the many opportunities the profession offers.

As a husband of a critical care nurse, I know all about the lives they touch each and every day. They work in emergency rooms, school-based clinics, hospitals, and homeless shelters, just to name a few. They have many roles, from staff nurses to educators to nurse practitioners and nurse researchers, and serve all of them with a passion for the profession and with a strong commitment to patient security and safety.

National Nurses Week occurs each year in May, surrounding Florence Nightingale's birthday. Our nurses strive for excellence in all they do. They provide patients and their families with skilled, compassionate care, and help them navigate a very complex and oftentimes overwhelming health care system to provide safe passage for the patients and their families.

Regardless of their role or title, nurses educate, counsel, advocate, and lead. These men and women work to make a difference to countless patients, families, and communities who benefit from nurses' dedication and professionalism.

This month is a time to reflect on all the good nurses do. It is a time to acknowledge and celebrate the differences our nurses make.

□ 1040

HORSE PROTECTION PROGRAM

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

Mr. SCHRADER. Madam Speaker, today I rise to discuss an important and timely issue negatively affecting the welfare of the horses of this great country. It's called ''soring.'' Soring is the act of deliberately causing pain to exaggerate the leg motion of high-gaited horses, such as Tennessee Walking Horses.

This inhumane practice, despite being illegal for almost 40 years, is still used far too often by many owners and trainers to win in the show ring. Today, I hope I can persuade you, my fellow Members of Congress, to take interest in this issue, to oppose this cruel and illegal practice, and to increase the support for the USDA's Horse Protection Program.

Horses are sored in several different ways:

Caustic materials, such as kerosene or mustard oil, are applied to the lower leg. This makes the horse's leg sensitive so that, when certain cruel devices like chains are placed against it, it causes severe pain, causing the horse to lift its leg high in an exaggerated gait. There are other common approaches also, like trimming the hoof excessively, exposing sensitive tissues, inserting devices between the shoe pads and the sole of the horse and, frankly, improper shoeing techniques. No matter the technique, its purpose is to cause the horse pain so that it lifts its leg higher and faster.

While rest and training may allow some horses to eventually recover from that harm, others suffer irreversible hoof damage and are actually crippled for life. The harm caused by soring is not just physical. The mental damage done to the horse can make its rehabilitation difficult, if not impossible.

Soring is so egregious that it has actually been illegal in this country for over 40 years. The Horse Protection Act was passed in 1970. So why, 40 years later, are we still having the same conversation?

The problem lies within the culture of some of those in the walking horse industry, in which unethical trainers and unethical owners not only continue this practice but use tricks to deceive detection. Substantial financial gains come from winning horse shows, and this makes soring appealing to many unscrupulous owners and trainers. Soring is a shortcut that overshadows the balance and collection seen in the beautiful natural movement of horses that perform racking gaits. These gaits can actually be achieved without soring, rather by investing the proper time, training, and conditioning on the horse.

The Horse Protection Program at the USDA serves as regulatory enforcement for the Horse Protection Act. Unfortunately, due to budget constraints, USDA inspectors only attend a small fraction of the shows. In 2011, USDA documented 587 violations of the act while attending only 62 of the 600 to 700 shows held that year. Fiscal year 2012 was the first time in the history of the Horse Protection Program that it actually received more than $500,000 in

funding. In February of this year, Barney Davis, a Tennessee trainer, was convicted of soring, fined $4,000, and was sentenced to a year in prison. In March, nationally known trainer Jackie L. McConnell and three of his associates were charged with 52 counts of violating the Horse Protection Act. These recent charges, including the first two convictions in two decades under the U.S. Horse Protection Act, have brought increased attention to this horrible abuse.

These indictments and prosecutions are long overdue, and I applaud the U.S. Attorneys and USDA civil servants who have courageously worked to end soring. Yet adequate funding of the Horse Protection Program is critical for the enforcement of this act and for the prevention of this abusive practice. It is imperative that USDA's Horse Protection Program be adequately funded, ensuring the end of this cruel practice. Financial backing must be supported, not hampered, by this Congress.

The American Veterinary Medical Association has condemned soring for over 40 years. I join my fellow veterinarians across America in calling for a stop to this heinous abuse of America's horses. We in Congress need to stand up as well and speak out against this egregious form of animal cruelty. It is time for soring to end.

70TH ANNIVERSARY OF ELLSWORTH AIR FORCE BASE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from South Dakota (Mrs. NOEM) for 5 minutes.

Mrs. NOEM. Today, I rise to mark a major milestone for an important installation in the State of South Dakota. This year is the 70th anniversary of Ellsworth Air Force Base. It is a privilege to stand here today on the House floor and honor the thousands of airmen who have been stationed at Ellsworth. I would like to personally thank every single man and woman who has served our Nation and the people of South Dakota at this base.

Ellsworth has played an important role in this country and in our Nation's military since World War II. The attack on Pearl Harbor sent our country into one of the most destructive wars that the world has ever known. Our country needed a large and immediate force to fight a two-front war—one in the Pacific theater and another one in Europe.

Thousands of young men and women rushed into the military, and in response, our Nation built many new bases to accommodate the growing number of soldiers. In 1942, a small Army base was established near Rapid City, outside Box Elder, South Dakota. Its original purpose was to train the crews of the Boeing B–17 Flying Fortress. Later in the war, the base trained and deployed B–29 Superfortress crews, which were instrumental on the Eastern front.

During World War II, the base was so successful that it was changed to permanent status. Yet, sadly, a tragedy struck. While returning from a training mission, an RB–36 Peacemaker aircraft crashed in Newfoundland. Later that year, President Eisenhower came to South Dakota and dedicated the base, renaming it after Brigadier General Richard Ellsworth, who perished in the crash. Ever since then, the base has kept the name Ellsworth Air Force Base.

Ellsworth continued to prove itself as an enduring asset during the Cold War. In fact, during the first major international event of the Cold War, B–29 bombers from Ellsworth were sent to help in the Berlin Airlift, and as the Cold War progressed, so did the capabilities of Ellsworth. The aircraft at Ellsworth were used as an intimidating deterrent to our potential enemies. The base also became a hub of missile activity, transporting and storing Titan and Minuteman missiles. Without a doubt, Ellsworth was a crucial player in keeping peace during a very uneasy time in our Nation's history.

Today, Ellsworth is the home of the 28th Bomb Wing with the B–1 Lancer, which is a shining example of resourcefulness. The aircraft was originally designed for low altitude nuclear payloads, but as the Cold War ended and as the demand for nuclear capability aircraft declined, the Air Force modified the aircraft for long-range conventional bombing runs. It has been described as the workhorse of operations in Afghanistan. Most recently, B–1s from Ellsworth Air Force Base were used in Operation Odyssey Dawn in Libya. The B–1 has truly become the backbone of our long-range bombing force. In fact, earlier this year, the B–1 completed its 10,000th combat mission. It is an impressive milestone for any piece of weaponry.

More recently, the Air Force selected Ellsworth to be the home of the unmanned MQ–9 Reapers. It is one of only two bases on the ground that has the control capabilities of these high-tech aircraft. It is a testament to the ongoing relevance of Ellsworth as a part of our national defense strategy.

Ellsworth has also become an integral part of South Dakota's economy. In 2010, the base estimated that it supports over 1,500 jobs in western South Dakota, and that's not including the thousands of active airmen and -women. It is also home to the Air Force Financial Services Center. It is, without a doubt, an economic engine that keeps South Dakota thriving and vibrant.

When I reflect on what makes Ellsworth Air Force Base so significant, I think beyond the impressive aircraft and the historical and economic significance that the base has to South Dakota. Instead, I think about the individual airmen, and I believe that the true strength of our Armed Forces lies with them. It doesn't come from the equipment that they use or from the aircraft that they fly. It is their courage, their resilience, and the bravery of these fine men and women. As great as the B–17s, the B–29s, the B–1s, and the MQ–9 unmanned Reapers are, nothing can compare to the everyday American servicemember.

That's why I want to make sure, as we commemorate the 70th anniversary of Ellsworth Air Force Base, we don't focus only on the national importance the base has played or on the economic impact it has had in South Dakota. Instead, we focus on the individual airmen and on the sacrifices that they make every single day. It is the airman who leaves his family, who protects our country day in and day out and who responds to the call of duty. Each airman plays one small part in a larger operation. Whether they are pilots, navigators, engineers, munitions personnel, or air traffic controllers, each one plays an important role.

I thank all of the airmen and -women who came to Ellsworth and who did their duty to the best of their ability. They've done so for 70 years and have done an incredible job.

I would also like to commend the families of the airmen, past and present. I have heard from many of the military personnel and their families, and I am always inspired by their selfless commitment to our country. Every family member of our servicemen and -women make sacrifices. God bless them for staying strong and for providing a strong support system for our servicemembers who are stationed at Ellsworth and at bases across the country.

Again, thank you, Madam Speaker, for allowing me to show my deep respect and appreciation for everyone at Ellsworth for its 70 years of outstanding service to our country. May God bless all who serve at Ellsworth.

□ 1050

TERRITORIAL TANF EQUITY ACT OF 2012

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

Mr. PIERLUISI. Madam Speaker, today I'm introducing legislation to provide equitable treatment to Puerto Rico and other U.S. territories under the TANF program, which provides cash payments to needy families with children.

Currently the territories are not eligible for supplemental grants, contingency funds, and child care funds under TANF. Moreover, Federal law imposes an annual cap on the overall funding that each of the territories can receive under a variety of public assistance programs, including TANF. My legislation removes this funding cap and makes the territories eligible for TANF grants that they do not presently receive.

Puerto Rico is treated unfairly under Federal programs designed to help our

Nation's most vulnerable residents. This TANF bill complements two previous bills I have introduced, which would include my constituents in SSI and SNAP. To see how Puerto Rico was hurt by its current territorial status, one need only look at the island's shocking treatment under these three key programs.

When you look at the status and well-being of all the American citizens living in the territories, you realize that what they face is geographic discrimination. It makes no sense to penalize the American residents who decide to reside in the five territories belonging to the United States. The only reason that sometimes is raised for such discrimination is that the residents of the territories do not pay Federal income taxes. But it is not right to even raise that argument when close to half of the U.S. households in the U.S. and the U.S. mainland in the 50 States are not paying Federal income taxes because of their income levels. It is also not right when most of the vast majority of the residents in the territories would not pay Federal income taxes anyway.

What we're talking about is fairness. What we're talking about is parity. There should be equal treatment for all American citizens, regardless of where they reside within America. I support statehood for Puerto Rico for several reasons, one of which is this concept of parity. Once a territory becomes a State, it doesn't have to seek parity. It automatically participates in all Federal programs.

That's one reason. But I support statehood for Puerto Rico for a more important reason. I'm talking about the lack of voting rights for the residents of Puerto Rico. I, for one, suffer the consequences. I am the one the American citizens in Puerto Rico elect to represent them in this Congress. When I come to this Chamber, I can speak, I can introduce legislation, I belong to committees. But when the time comes to vote for or against bills that benefit or affect my constituents, I cannot do so. My name doesn't even appear on the electronic board here in this Hall. That is embarrassing. It hurts me, and it hurts my constituents.

If Puerto Rico were a State, we would have at least five Members in the House of Representatives and two Senators advocating for our residents. That's one of the reasons I support statehood. But there's more to it than that.

Last year, President Obama visited Puerto Rico. I felt so proud because I had something to do with it. But you know what? It is embarrassing to say that no President had visited Puerto Rico in an official capacity in 50 years. We had to wait 50 years for a President to show up in Puerto Rico. I am sure that if the American citizens living in Puerto Rico were given the right to vote for their President, Presidents would be visiting Puerto Rico on a regular basis. They would be making commitments, they would be learning about our needs, and they would be doing the right thing with respect to the American citizens living in Puerto Rico.

On November 6, there will be a plebiscite in Puerto Rico and two questions will be posed before the voters. The first question will be whether they want Puerto Rico to continue being a territory of the United States. We have to ask that question because that's how democracy works. The second question will ask them to express their preference with respect to the three available status options we have, apart from the current territorial status: statehood, independence, and free association. I hope they answer those questions, sending a message loud and clear to this Congress that they no longer want to be a territory and they want to be the 51st State of the Union.

WE ARE NOW IN THE SILLY SYSTEM

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

Mr. BISHOP of Utah. Madam Speaker, despite advice to the contrary, our Constitution establishes a government with two sovereigns, the Nation and the individual States. They worried about that in Philadelphia. In fact, James Wilson wondered if this system would be like two meteors on a collision course, the collision of which would be catastrophic, or if this system would be like the solar system where the planets stayed in their sphere and course and did not interfere with one another. That latter vision we call federalism. It is stated in the 10th Amendment where each level of government had a specific and distinct responsibility.

When the States were interfering with the Federal Government, it produced historical catastrophic consequences. But also when the Federal Government interferes with the role of States, the consequences range from being catastrophic to just plain silly. We are now in the silly system.

In 2010, this Congress passed the Healthy, Hunger-Free Kids Act. We were wrong to pass it for five reasons: number one, it was a Senate bill. That should have been our first tip-off; number two, it was opposed by the National Governors Association; three, it was opposed by the National School Boards Association; four, it violated the Constitution.

You see, the Federal Government's only advantage is that everyone has to do the same thing in the same way at the same time. The Federal Government can impose that. But schools are given to the States because they require creativity, efficiency, and justice.

Finally, number five: we created a one-size-fits-all Federal program not defined by us. We simply passed this grand idea and then gave power to a Secretary in some building here in Washington to come up with some kind of standards.

Two schools in my district have now been hit by those standards. I care about those schools because from one I graduated a long time ago, and the other I taught for 23 years. They were hit with a $16,000 and $19,000 fine respectively. What was the heinous crime for which these fines were levied against the funds that go to help the kids in these schools? During the lunch hour, their vending machines were plugged in. These vending machines were not in the cafeteria. That violated the standards. They were down in a different part of the school. But since the kids walked out of the cafeteria with their lunches and walked down the hallway towards the gym where the vending machines were and there was not a wall, by our standards, to stop them from doing that, the entire school was designated as a cafeteria and the schools were then penalized.

You see, by the standards that were created, if a kid buys a Coke and then takes it to lunch to drink, that's nutritional. But if he buys his lunch first and then goes down to buy a Coke, that is now, by our standards, unhealthy. Snickers by our standards are healthy food; licorice is not. Ice cream is healthy; Swedish Fish are not. Apparently by our standards, anything that could stick to your mouth is not a healthy food. Starbursts are out; Milky Ways are in.

It was wrong for Congress to pass a law without taking the time to establish standards that were rational by ourselves and giving that power to another body. It was wrong for Congress to invade the role of States. It was wrong to punish kids for these silly reasons. It is wrong to violate federalism. If a community school and their PTA wanted to create these standards themselves, fine.

Federalism means people at the local level should be free to create any decisions they want to do, even if those decisions are dumb. It is wrong for this body to think that every issue has to be decided here in this room, and it is wrong for us to forget that the 10th Amendment has a purpose. It is there for a reason. It should be respected.

□ 1100

IMPROVE THE LIVES OF OUR TROOPS INSTEAD OF ENDANGERING THEM

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

Ms. WOOLSEY. Madam Speaker, there are few things more important for us to deal with than the health and safety of our men and women in uniform. For everything they do, for all the courage they've shown and the sacrifices that they've made, we must be absolutely vigilant about protecting them from unnecessary risk.

That's why I was troubled to hear news reports about several of our most highly trained and skilled Air Force pilots experiencing loss of oxygen while in the cockpit of the F–22 aircraft. We're talking about blacking out, losing control of the plane, and suffering memory loss. In fact, 18 percent of those who flew the F–22 reported an incident similar to this. In fact, one family blames this mysterious affliction for a crash that killed their loved one.

We have some of our most fearless pilots afraid and even refusing to take the controls of the F–22. Two pilots went so far as to appear on shows like ''60 Minutes'' without permission from their superiors so that they could expose the problem.

In response, Madam Speaker, I prepared an amendment to the National Defense Authorization Act, which the House will debate today. My amendment would cut off funding for the F–22 until the Pentagon inspector general completes an investigation on these malfunctions and finds a solution to protect the safety of our pilots.

Thankfully, my amendment wasn't necessary because, yesterday, Secretary of Defense Panetta took steps to impose flight restrictions on the F–22, demanding that the Air Force take stronger safety measures to protect our troops. Because of the Secretary's response to these life-and-death concerns, I have withdrawn my amendment, but I will stay on top of the situation.

The F–22 isn't exactly a ''bargain basement'' item, Madam Speaker. Throughout the life of the program, it's cost taxpayers $79 billion. And that's for a plane originally designed to fight the next generation of Soviet jet, even though the Soviet Union, itself, didn't have a next generation, and it doesn't even exist any longer. What's more, the F–22 hasn't flown a single mission in Iraq or Afghanistan.

It troubles me, Madam Speaker, that we've spent so much on slick, supposedly state-of-the-art aircraft that are making our Air Force pilots dangerously sick—at a moment when we could use that money on programs our servicemembers badly need. For example, veterans groups are fighting for more resources for mental health treatment, for job placement, for access to education, for VA home loans, and much more. Certainly we should invest in improving the lives of our troops instead of endangering them.

My Republican colleagues are fond of pointing out that we're in a challenging fiscal environment where every government expenditure should receive the strictest scrutiny. I just hope that they'll apply as tough a standard to expensive weapons systems as they do to foreign humanitarian aid and important domestic safety net programs right here at home.

As we debate the defense authorization today, we must choose the defense programs that actually enhance our national security over ones like the F–22 that are creating more problems than solutions.

Madam Speaker, I believe more strongly than ever that we need to end the war in Afghanistan, supporting our troops by bringing them home; but, in the meantime, making sure that the planes they fly and the equipment they use are as safe as possible is certainly our number one responsibility. We owe them nothing less.

STOP MILITARY RAPE

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

Ms. SPEIER. Madam Speaker, today I rise again to speak about the horrific situation in the military, and that is the epidemic of rape and sexual assault that goes on unabated.

This is the 20th time that I am here on the floor to tell the story of yet another victim. Nineteen times before, I've been on this floor to tell about victims in military service. I've told you about the military culture that treats sexual harassment and assault with a silent acceptance and the command structure that punishes the victim and does not take care of dealing with the perpetrator.

Today I'm going to tell you about the culture that exists in our military service academies that train our cadets to become commissioned officers. I have not told you that the same conflicted chain-of-command structure that exists in the military also exists at our prestigious service academies. The military academy at West Point as well as the Naval, Coast Guard, Air Force, and Merchant Marine academies follow the same rule as the military, the Uniform Code of Military Justice.

Today I am going to tell you the story of Karley Marquet, who was a first-year cadet when she was raped just last year. She was a brand-spanking-new West Pointer. Gifted in both academics and athletics, Karley was a star high school student. She had her pick to go to any number of colleges. She chose West Point because she wanted to serve her country. West Point chose Karley because she possessed the skills and character that the Army needs for success.

But only a few months at the academy, Karley was betrayed. She was raped by a West Point upperclassman that she knew and thought she could trust. He came to her room one night when she was alone to talk about girl troubles. He gave her a sports drink that had alcohol in it. Peer pressure by upperclassmen to consume alcohol is pervasive at West Point. Karley drank about one-quarter of the liquid in the bottle, and she became intoxicated. The upperclassman convinced her to go to his room, and he raped her. Later, the upperclassman repeatedly went to Karley's room to prevent her from reporting the rape. She also heard West Point upperclassmen talk about another female cadet who had reported being raped. They called the victim a ''slut'' who ''was asking for it.''

But Karley was not intimidated. She reported the crime to her chain of command. But just like so many of the stories I have told here before, no serious action was taken to assist her. West Point did not move the perpetrator from Karley's company. She had to see him every day. West Point did not alter Karley's duties, which meant that she still had to do chores with the upperclassman who raped her.

As a result of the rape and the hostile environment, Karley began to suffer posttraumatic stress symptoms, becoming depressed and suicidal. Karley resigned from West Point less than a year after becoming a cadet.

It's been over a year since Karley was raped, yet the perpetrator has not been brought to justice. Why was nothing done to help this talented young woman who, only 12 months before, was deemed qualified and deserving of a spot at the prestigious United States Military Academy?

The violent act committed against Karley is reprehensible. The dismissive attitude held by academy officials is shocking and inexcusable. It is time for this narrative to change.

Last December, a Department of Defense report revealed a nearly 60 percent increase in reported sexual assaults at service academies in addition to the fact that West Point was found ''not in compliance'' with the Pentagon's policies to prevent rape and sexual assault.

Civilian colleges and university students can report crimes to local police officers. They can press charges directly against perpetrators, and they can obtain their own legal counsel. Military cadets must comply with the military justice system that has a horrible record of providing justice for victims of rape and sexual assault. Our future military leaders deserve better.

Survivors can email me at stopmilitaryrape@mail.house.gov if they would like to speak out as well.

□ 1110

THIRD ANNIVERSARY OF THE ENDING OF CIVIL WAR IN SRI LANKA

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

Mr. DAVIS of Illinois. It is my pleasure to rise today to note the third anniversary of the ending of the civil war in Sri Lanka. On May 19, 2009, a new era—an era of peace—began in this country; an era of hope, an era of possibility, and an era of justice with movement towards reconnection and reconciliation. Unfortunately, implementation of this new era of hope seems to be slow in coming, it seems to many Tamils in the country and throughout the diaspora who have lingering fears that governance of the country will remain closed and not as democratically

operated as they would like to see and that justice demands.

The President of Sri Lanka started talks with the Tamil National Alliance, the party that has won all elections in the northeast since the end of the war more than a year ago. Unfortunately, these talks seem to have bogged down and are not progressing as was anticipated. Sri Lanka is a highly centralized state. The lack of control over areas that we take for granted, such as the police, the use of land, and the education system, are often cited as being one of the causes of the civil war. It is reported that even areas not affected by the war suffer from neglect by Colombo and distant government officials who make arbitrary decisions, as is frequently noted by the World Bank and others. Tensions continue to exist between the Sinhalese, who control the government, and the Tamils, who consider the north and east as their traditional homeland. It is unfortunate that after hostilities ended on the battlefield, they still seem to exist in many of the same ways that occurred before the war actually broke out.

It is my hope that Sri Lanka will be able to work through its difficulties so that this beautiful country can experience the peace and stability its citizens rightly deserve.

RECESS

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

Accordingly (at 11 o'clock and 12 minutes a.m.), the House stood in recess.

AFTER RECESS

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

PRAYER

Reverend Dr. Ken Chroniger, Alfred Station Seventh Day Baptist Church, Alfred Station, New York, offered the following prayer:

Heavenly Father, in this moment, we wait on You. We take a deep breath and try stopping the rush and the hurry of life. For an instant, we ask You to lift the weight of government and the burdens of our role in it from our hearts, minds, and souls. We accept what we read, ''Come unto me all you that labor and are heavy laden, and I will give you rest.''

With the pressures of living in the House fishbowl, give grace and mercy to receive favors. Limit the mistakes made simply because we are human. Like those who have preceded within these Chambers, give wisdom to govern. Fill us with faith and hope that what we do here is not running on a treadmill but encouragingly touching the lives of the people at home. Teach us as we serve to care for one another.

In Jesus' name, Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. REED) come forward and lead the House in the Pledge of Allegiance.

Mr. REED led the Pledge of Allegiance as follows:

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

WELCOMING REVEREND DR. KEN CHRONIGER

The SPEAKER. Without objection, the gentleman from New York (Mr. REED) is recognized for 1 minute.

There was no objection.

Mr. REED. Today, I welcome to the House Chamber a great individual from our district, Pastor Ken Chroniger. Pastor Ken is the spiritual leader of 70 in my district in Alfred Station, New York, for the Seventh Day Baptist Church there. It is an honor to have Pastor Ken with us.

I have great respect for Pastor Ken, not only for what he does for his congregation, but for what he does for the community, in particular, the baseball games that we have attended together for the youth as they have participated in their summer leagues in Alfred Station.

With that, Mr. Speaker, I welcome Pastor Ken as we from the Southern Tier and the Finger Lakes, the beautiful area of New York, join him in starting off our deliberations here today.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian E. Pate, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The Chair will entertain 15 further requests for 1-minute speeches on each side of the aisle.

HELPING OUR VETERANS FIND JOBS

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

Mr. WILSON of South Carolina. Madam Speaker, for the past 39 months, our Nation's unemployment rate has remained above 8 percent due to the administration's failed policies. Sadly, the average unemployment rate for our veterans is even higher.

Congress has developed a pilot program to help veterans find jobs. Veterans should be prepared to simultaneously meet the same standards and perform the same tasks in the military and industry as in the workplace.

In order to address this issue, Congressman JOE WALSH of Illinois has proposed an amendment for today's National Defense Authorization Act, providing for the Department of Defense to reform the pilot program, helping servicemembers apply the skills learned during their military service to the civilian workplace.

I urge my colleagues to vote in favor of this amendment for servicemembers, military families, and veterans.

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

20TH ANNIVERSARY OF NAGORNO-KARABAKH INDEPENDENCE

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

Mr. CICILLINE. Madam Speaker, I rise today to join the people of Nagorno-Karabakh in recognizing the 20th anniversary of the independence of Nagorno-Karabakh and of the formation of the Republic's army.

Twenty years ago, the people of Nagorno-Karabakh fought and died for their independence from Soviet Azeri repression and discrimination. From the earliest days of its formation, the Republic's freely elected governmental bodies have built an open democratic society through free and transparent elections. Over the next few days, families of Armenian descent throughout my home State of Rhode Island will honor the 20th anniversary of the formation of the Republic's army and the liberation of Shushi.

Today, the Rhode Island General Assembly will be joined by Mr. Robert Avetisyan, the Permanent Representative of the Nagorno-Karabakh Republic to the United States, as they adopt a resolution supporting the Republic's efforts to develop as a free and independent Nation—a fact that many Rhode Islanders take great pride in.

CELEBRATING NORWAY'S CONSTITUTION DAY

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

Mr. PAULSEN. Madam Speaker, it was nearly 200 years ago that the people of Norway proclaimed their independence as a free nation, and each year on May 17, Norwegians all over the world celebrate the day that their

constitution was signed—with parades, traditional food, and other festivities.

The United States and Norway have a very special bond. Our traditions of human rights and freedom and also of democracy are woven into the very fabric of our shared history, and over the last two centuries, the people of Norway have contributed greatly to the success and prosperity of our global community.

As cochair of the House Friends of Norway Caucus, I would like to send our best wishes to the people of Norway as they celebrate this year's Syttende Mai today, and I would like to reaffirm the friendship between our two nations as we work together on important issues ahead.

MANDATE FUNDING TO BRING OUR TROOPS HOME FROM AFGHANISTAN

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

Ms. HAHN. Last October, on the 10th anniversary of the war in Afghanistan, I visited Arlington West—a moving memorial to Americans who have died in that war.

Every Sunday, on the sands of Santa Monica Beach, volunteers have put up a cross for every soldier who has lost his life in that war. As the number of dead has grown, they have only been able to put up one cross for every 10 soldiers. 1,843 U.S. soldiers have lost their lives in Afghanistan. We've had 17,000 casualties.

The defense bill today, in its current form, slows down the effort to withdraw our troops when we should be speeding it up. That's why I have cosponsored legislation with BARBARA LEE that would mandate that any Afghanistan funding be used only to bring our troops home. Without such a change, I cannot vote for this bill. I don't want to go back to Arlington West only to see them adding more crosses.

INTERESTS IN FINANCIAL ASSETS OF IRAN

(Mr. TURNER of New York asked and was given permission to address the House for 1 minute.)

Mr. TURNER of New York. Madam Speaker, there are no greater reminders of how dangerous Iran is to America than the Iranian-backed 1983 Beirut and 1996 Khobar Towers bombings in which 260 Americans lost their lives.

There was no military or economic retaliation towards Iran for their involvement in those bombings. The only type of recourse the families had of those who died was a financial reward given to them by the Federal courts—an award they still have not seen.

This is why I have introduced H.R. 4070, a legal necessity which revokes sovereign immunity from the Iranian central bank and allows a Federal court to attach frozen funds. Thus, the families who have been impacted by those bombings can receive the financial compensation they deserve and were previously awarded.

Today, 15 family members who lost their loved ones are on Capitol Hill, asking for two things: that we do everything we can to prevent Iran from killing more Americans, and that we hold them accountable for their actions.

I would like to say that I stand with them. I will continue to remind Americans about what Iran has done and what they continue to do.

□ 1210

THE NDAA AUTHORIZES WAR AGAINST IRAN

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

Mr. KUCINICH. The NDAA authorizes war against Iran. It calls for a new policy—military action—which puts U.S. aircraft and munitions into position for air-and sea-based missions and the bolstering of U.S. capabilities to launch a sustained sea and air campaign against a range of Iranian nuclear and military targets. It authorizes war under the pretext that Iran is threatening to launch a nuclear attack, even though Iran does not have nuclear weapons, does not have nuclear-weapons capability, and is not building a bomb.

Beyond the obvious political and military questions here, there is a profound spiritual question: What is happening to the spirit of America that we can embrace war or waging war so casually? What happens to our souls when we authorize an attack on a nuclear facility in another country? What happens to the souls of those who perish when radiation is released from such an attack?

The Golden Rule states: Do unto others as you would have them do unto you. It does not say: Do unto others before they do unto you.

HONORING MEMORY OF FORMER SOUTH DAKOTA CONGRESSMAN AND SENATOR JIM ABDNOR

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

Mrs. NOEM. Madam Speaker, I rise today to honor the memory of former South Dakota Congressman and U.S. Senator Jim Abdnor, who passed away yesterday at the age of 89.

Jim Abdnor dedicated his life to serving the State of South Dakota and our country in whatever capacity he was serving. As Lieutenant Governor, as Congressman, U.S. Senator, even administrator of the United States Small Business Administration, Jim was a man who constantly put others first.

South Dakotans who knew him remember Jim as an incredibly decent man who worked tirelessly for the State that he loved. In my personal interactions with Jim, I was always impressed by what a man of humility and integrity he was.

A born and raised South Dakotan, he left a legacy of hard work, commitment, and selfless sacrifice that every resident of the Rushmore State can be proud of.

I ask the South Dakotans and all those who knew him personally or of his legacy to keep his family and loved ones in their thoughts and prayers.

PROTECTING OUR VETERANS

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

Ms. FUDGE. Madam Speaker, today I rise on behalf of the millions of veterans who have returned home from Iraq and Afghanistan.

From joblessness to hopelessness, the readjustment to civilian life has been extremely difficult for many of our brave men and women. It is our responsibility to do all we can to lighten their already heavy load.

Today, my colleagues and I sent a letter to the Education and the Workforce Committee urging Chairman KLINE to address the aggressive and deceptive targeting of servicemembers, veterans, and their families by educational institutions, particularly forprofit career colleges.

I've read reports of schools steering our vets and family members into expensive loans, rather than directing them to less expensive Federal student loans. This is egregious and appalling, and it must be stopped. Join me in calling for hearings and for the movement of legislation.

BIRTHDAY OF FREDERICK COUNTY, MARYLAND

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

Mr. BARTLETT. Madam Speaker, I would like to invite America to join me in celebrating a belated birthday party in Frederick County, Maryland.

Just 100 years ago on the 22nd of last month, William Howard Taft convened 700 business leaders in the United States, and they established the U.S. Chamber of Commerce. Just 1 day later, through the miracle of communication by wire, delegates from Frederick County asked to be chartered as the first county chamber of commerce in the United States.

Please join me in celebrating this very important belated 100th birthday celebration in Frederick County, Maryland.

INVESTING IN EDUCATION

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

Mr. BACA. Madam Speaker, investing in education is an investment in our Nation's future. In these tough times, we should make every effort to increase access to higher education for all Americans.

Unfortunately, if Congress does not act soon, interest rates on student loans will double for over 7 million students. If these rate hikes go into effect, it will be cheaper to buy a home than to buy a college education.

Sadly, the GOP seems to want higher education reserved only for the wealthiest Americans. Instead of working to help more Americans achieve a college education, Republicans are playing games with the health of women and children. Once again, Republicans are showing their priorities are out of touch with hardworking Americans.

We need to act now to keep student loan interest rates low so all Americans have an opportunity to obtain an education.

LIEUTENANT COLONEL ARNETT

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

Mr. GARDNER. Madam Speaker, I rise today to honor and thank Lieutenant Colonel David Arnett from Greeley, Colorado, for his 29 years of service in the United States Air Force.

Colonel Arnett retired from service as the flight commander of the 137th Space Warning Squadron in Greeley this past month. His extensive accomplishments in the United States Air Force are rivaled only by his service and involvement in the Greeley community.

Colonel Arnett was recognized for his outstanding performance as a combat field commander, and the 137th Space Warning Squadron was recognized as the Nation's top nonflying Air National Guard combat squadron six times, which is unprecedented.

After 16 years of service in Greeley and a dozen major and minor combat inspections by the United States Air Force, Colonel Arnett was additionally recognized as one of the Nation's top space and missile operators and flight commanders. In the Greeley community, Colonel Arnett was the Boy Scouts of America Scout Master of the Year and is a loving husband to his wife, Cindy, and father of their four children.

Today, I would like to formally honor and congratulate Colonel Arnett on his retirement and thank him for his service and commitment to our Nation.

NATIONAL CANCER RESEARCH MONTH

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

Mr. HIGGINS. Madam Speaker, I rise in recognition of May as National Cancer Research Month.

We have made many promising advances in cancer research, including at Roswell Park Cancer Institute in my Buffalo community. Beyond traditional chemotherapy, cancer research has produced new discoveries, including smart drugs and vaccines for both prevention and therapy.

Madam Speaker, the only failure in cancer research is when you quit or you're forced to quit because of lack of funding. Our budget should reflect our Nation's priorities. We all say cancer research is a priority, but Congress then cuts funding to the National Cancer Institute.

I urge my colleagues—in the strongest possible terms—to make a strong investment in cancer-research funding. Let's give our scientists and researchers the support that they need.

GLEN CAMPBELL AND ALZHEIMER'S

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

Mr. COHEN. Madam Speaker, Glen Campbell is one of the great singers and guitarists in our United States history. He suffers from Alzheimer's disease. Despite that fact, he continues to tour; and he is giving his farewell tour now.

Last night, some of us were privileged to hear him at the Library of Congress. He is still performing well. He is performing to bring more attention to Alzheimer's, a disease that strikes 5 million Americans and will strike another 10 million as baby boomers get older. It is a serious disease which has no cure, and there is no real knowledge of the origins of it. We must find a cure.

President Obama announced the launch of the National Alzheimer's Plan, which is hopefully going to find a cure and prevent and treat Alzheimer's by 2025. We need to support the appropriations for such in this body, support Francis Collins at the National Institutes of Health, and we need to support the caregivers who treat Alzheimer's victims. It is an urgent problem that we must deal with today.

I thank Glen Campbell for his courage in performing and bringing more attention of the American people and the world to this terrible illness.

REDUCE STUDENT LOAN RATES

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

Mr. DEFAZIO. On July 1, student loan interest rates are set to double on their loans from 3.4 to 6.8 percent.

After initially resisting making any adjustment in proposing actual further cuts in student financial aid, the Republicans said, No, wait a minute. We'll bring up a bill. We'll take care of that for 1 year. You just have to eliminate funding for public health and preventive health care.

Student loans or preventive health care and public health. They say that is the choice we have to make. We don't have to make that choice. There's a much better choice. If we raised taxes 1 percent on income over $380,000 a year, your taxes would still be lower than in the Clinton era, and we could fund a permanent reduction in financial aid for students.

I know at the country club they're not hearing much about people who can't afford to go to college. But I tell you what, for the people in my district and the people I represent, their kids are loading up with debt. It is going to hobble them after they graduate from college.

We've got to reduce these rates. We've got to reduce them permanently. Why not ask those who have made it fabulously and earn over $380,000 a year to contribute 1 percent to that cause?

OLDER AMERICANS MONTH

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today in honor of Older Americans Month. And I want to address an issue that is incredibly important to seniors, that is, caring for seniors with chronic illness and preventing unnecessary hospitalizations.

Madam Speaker, skilled home care providers in my district deliver high-quality and clinically effective care. Such care enables seniors to stay in their homes, rather than costing us by putting them out of their homes and into nursing homes. Unfortunately, a narrow sliver of operators within the Medicare home health program are tarnishing the good work of these dedicated, compassionate, and skilled professionals.

MedPAC has found that a small number of criminals in just 25 counties are ripping off Medicare beneficiaries and taxpayers. Since we know the source of this abuse, it makes the most sense to isolate it and go after it, rather than indiscriminately cutting payments to thousands of home care providers that do the right thing by seniors and taxpayers.

So let's reform the way we do this. Let's not cut off the people who do good work.

CROSSLAND VOCATIONAL CENTER

(Ms. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS. Madam Speaker, I rise to honor the 45th anniversary of the dedication of the Crossland Vocational Center located in Prince George's County, Maryland.

On April 27, 1967, President Lyndon Johnson dedicated the Crossland Vocational Center at Crossland High School

in Maryland. President Johnson, as he landed his helicopter on what is now known as Presidential Field, used the dedication to mark the 50th anniversary of the Smith-Hughes Act of 1917, which provided Federal support for vocational schools and helped form separate State boards for vocational education.

President Johnson stated during his dedication, ''Once we considered education a public expense. We know now that it is a public investment.'' I couldn't agree more.

The world we live in has never been more competitive. Other countries are making investments in their infrastructure, space agencies, and tax codes. We must do the same. We must have an education system that prepares our children for success in the 21st century, and we must do this with our community colleges and in conjunction with building and trade unions, beginning at vocational schools like Crossland Vocational Center.

From President Johnson's vision in 1967 to President Obama's commitment today, we have the future in our hands.

THE ''REAL'' VIOLENCE AGAINST WOMEN ACT

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

Mr. CARNAHAN. Madam Speaker, the original Violence Against Women Act was championed by then-Senator JOE BIDEN, who understood that all women must be protected from domestic abuse and violence. He understood that many women are afraid to come forward to report abuse. The Violence Against Women Act gave women a better chance to live their lives without that fear.

Again, the Senate has taken the lead. They already reauthorized the Violence Against Women Act and did it in a way that protects all women. It does not discriminate. It promises that America will stand by women; we will protect women, and we will prosecute their abusers.

The Republican bill that barely passed this House yesterday breaks our solemn promise. I call on leadership to allow a fair up-or-down vote on the ''real'' Violence Against Women Act and not some watered-down, weakened version. We owe it to our mothers, our sisters, our daughters, our friends, and to the memory of those we have lost to abuse.

THE ASIA PACIFIC REGION IN THE 21ST CENTURY

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

Ms. HANABUSA. Madam Speaker, we have begun the debate on the NDAA, and we all know that this is the legislation that's going to set forth our policy when it comes to the military for this upcoming fiscal year.

You've heard some of my colleagues and how they feel about portions of the NDAA. All points well taken, but I ask that we look at it from a different perspective.

Let us look at the NDAA in light of what the President said in November of 2011. When he addressed APEC, he said, The 21st century is for the Pacific; and we are pivoting to the Asia Pacific. And what does that mean? He went on to say, How the 21st century does and how it's defined—whether it's one in conflict or one in controversy—is going to be determined by the Asia Pacific region.

So what is it that we need in the Asia Pacific region? We need our allies and trade partners to feel safe and confident. And guess what. They look to our military for that. That is also something that the NDAA critically addresses. How the military is in the 21st century and our peace in the Pacific will be determined by them.

DEFENSE BUDGET

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

Mrs. DAVIS of California. Madam Speaker, I rise today with great concern over our defense budget. Our crushing national debt looms, yet we continue to ignore the issue.

The National Defense Authorization Act came in at $8 billion over the Budget Control Act because the committee put back high-cost items that the Pentagon had not listed as their highest priority. How is that responsible spending? When the issue arises as to what to cut, what must make up that difference to make the numbers work, what will come first? Will our military personnel accounts be under the knife?

I do not believe that this is smart legislating, when we choose to ignore the current fiscal environment. And when we raised concerns on the plans to build a missile defense site on the east coast with money we do not have, the Rules Committee would not even allow it up for debate.

Shouldn't we be discussing these issues so that we can move forward, so that we can come to an agreement on how the Department of Defense and our servicemembers are best served?

DEBT CEILING ''GROUNDHOG DAY''

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

Mr. YARMUTH. Madam Speaker, it seems like Groundhog Day all over again.

Earlier this week, GOP leaders laid down a new gambit on the old debate over whether to acknowledge our Nation's financial obligations. Those leaders have already abandoned the deal we made on the last debt ceiling package and are shifting all the cuts to education, infrastructure, and other vital domestic programs. Now they want another round of unsustainable cuts to these programs which will again bring us back to the brink of default.

We know the possible consequences: Market collapse, jobs lost, more than $1 trillion added to the deficit every year, interest rates will rise. Just getting close to this cliff threatens the U.S. credit rating. We know that from recent experience.

The Speaker has said, no, he doesn't want to abandon the debt ceiling, he doesn't want to violate the debt ceiling, he doesn't want to let the country go into default. But isn't this the same kind of uncertainty that our Republican friends say they are most concerned about? One day it's, Well, we're not going to raise the debt ceiling. The next day, No, I didn't mean that.

We need certainty; we need stability, and we need to recognize this Nation's obligations.

□ 1230

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–110)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and referred to the Committee on Foreign Affairs and ordered to be printed:

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, within 90 days 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 Burma that was declared on May 20, 1997, is to continue in effect beyond May 20, 2012.

The Burmese government has made progress in a number of areas including releasing hundreds of political prisoners, pursuing cease-fire talks with several armed ethnic groups, and pursuing a substantive dialogue with Burma's leading pro-democracy opposition party. The United States is committed to supporting Burma's reform effort, but the situation in Burma continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Burma has made important strides, but the political opening is nascent, and we continue to have concerns, including remaining political prisoners, ongoing conflict, and serious human rights abuses in ethnic areas. For this reason, I have determined that it is necessary

to continue the national emergency with respect to Burma and to maintain in force the sanctions that respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, *May 17, 2012.*

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. BISHOP of Utah. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 661 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 661

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes. No further general debate shall be in order.

SEC. 2. (a) In lieu of the amendment in the nature of a substitute recommended by the Committee on Armed Services 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 Rules Committee Print 112–22. 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 against amendments en bloc described in section 3 of this resolution are waived.

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

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the 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.

POINT OF ORDER

Mr. LARSON of Connecticut. Madam Speaker, I make a point of order against the consideration of the resolution. The resolution violates clause 9 of rule XXI by waiving that rule against consideration of amendment no. 1 by Mr. MCKEON.

The SPEAKER pro tempore. The gentleman from Connecticut makes a point of order that the resolution violates clause 9(c) of rule XXI.

Under clause 9(c) of rule XXI, the gentleman from Connecticut and the gentleman from Utah each will control 10 minutes of debate on the question of consideration.

Following the debate, the Chair will put the question of consideration as follows: ''Will the House now consider the resolution?''

The Chair recognizes the gentleman from Connecticut.

Mr. LARSON of Connecticut. Madam Speaker, I yield myself such time as I may consume.

I rise to speak on behalf of so many families of our men and women in service who are in need of our help. I'm proud to be joined on the floor this afternoon by my dear friend and colleague, WALTER JONES.

I think, Madam Speaker, what we have here is just simply—as the line from ''Cool Hand Luke'' says—a failure to communicate. These things can happen. But I know that there are honorable people on both sides who are in agreement with the plight of what happens to the Kenyon family, that I have pictured here. I use this picture and rise on their behalf because these are constituents of mine who brought to my attention a concern that while men and women deployed in our armed services—and in this case, Sergeant Major William Kenyon, deployed twice while his daughter, Rachel, deals with autism.

Autism is near epidemic in this country, and for military families especially, when someone is abroad in the service of their country, it's hard enough when two parents are at home to deal with autism, but it's even more complicated when a father or mother is away from their child. And so we heard from thousands of family members across this Nation, and in the process we learned how important this was.

What they seek is applied behavior analysis, which, unfortunately for them, there's a cap that's placed on this. Imagine you're the mother at home. This loving mother, Rachel, with her daughter, Rachel Margaret, with caps imposed on them, can't afford or can't get the service.

This amendment is simple and straightforward and has been accepted by the committee. And what happened in the process—and this is why I say that there is miscommunication—is that when the agreed pay-for was asked to be modified, it indeed was, but there was a miscommunication between Rules and the committee.

I know in my heart that not only Mr. JONES, Mr. BISHOP, who is here, Mr. SESSIONS, who's part of the committee and the Caucus on Autism, and the number of like-minded people in both caucuses care deeply about these results.

As we approach Memorial Day, certainly we want the message to be to our men and women in the field that we will leave no soldier behind on the battlefield. We also have to know that we will leave no child behind at home.

This is a compelling case that the Kenyons make on behalf of all Americans—men and women who serve in our military—and one that has been underscored by my dear friend in his experience at Camp Lejeune.

I yield 1 minute to the gentleman from North Carolina, WALTER JONES.

Mr. JONES. I thank the gentleman from Connecticut.

I want to say to both parties, he is exactly right. I have Camp Lejeune Marine Base in my district. The last 4 years I've met two different times with Marine husbands and wives and their children with autism. It is a serious problem. And as Mr. LARSON has said, this was fixed, but somewhere along the way the communication breaks down, like it does too often here in Washington.

□ 1240

As Mr. LARSON said, let's try to fix this problem today. Let's get it in the base bill. Let's send it over to the Senate on behalf of all of our men and women in uniform and the families who have children with autism.

Please, God, let us fix this for those families.

Mr. LARSON of Connecticut. I thank my good friend, the gentleman from North Carolina, for his comments.

This is a pretty remarkable family. And about a month ago I was in New York City on the Intrepid where we heard from several military families, families in general that are dealing with the issue of autism. So many like-minded people in this caucus, and frankly in this Congress, understand the predicament that the Kenyons face.

Imagine, Sergeant Major Kenyon, having done two tours of duty in Afghanistan. I rise today on behalf of him and his daughter, who only ask of this Congress what I know everyone would like to deliver on. We can't let a miscommunication stand between their getting the relief that they and so many American families need.

I would hope, and I'm told through our process that because, as the resolution was read, that because Chairman MCKEON has en bloc capability, that we are able to work out something and have this amendment as it was intended, as it was agreed to in the process, and as the corrections were made that were asked of the majority so that it could be made in order and placed en bloc, that this may occur for this family and the thousands others that are like them.

I ask my colleague from Utah, a man of great distinction—and I don't know that he will use his 10 minutes or if we could enter into a colloquy—as to how we might proceed on this.

Mr. BISHOP of Utah. Is the gentleman yielding time to me?

Mr. LARSON of Connecticut. I will gladly yield time to the gentleman for a colloquy.

Mr. BISHOP of Utah. Would you like to start the colloquy, because I really don't have the best answer for you right now.

Mr. LARSON of Connecticut. I thank the gentleman.

It is my hope and understanding that this may not be a remedy that we can have through the Rules Committee, and rather than put the body through a series of votes, if we could work with the committee and the committee of cognizance, the Armed Services Committee, I know that Ranking Member SMITH is here and certainly will work with and strive to correct this anomaly that has occurred, and I believe that like-minded people on both sides of the aisle want to see this succeed.

Mr. BISHOP of Utah. What I suggest is if the gentleman would reserve the balance of his time, let me say what I have to say about this particular issue, and then we can proceed from that point, if that is okay.

Mr. LARSON of Connecticut. I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

There are a couple of different levels on which we need to respond. I have the utmost respect for the gentleman from Connecticut, as well as the gentleman from North Carolina, on this issue. I have a great deal of empathy on this issue. There is the technical approach about which this rule deals, as well as the potential of how we can actually solve the problem, and those are two different concepts. I think you alluded to that fact.

The first one, as to the specifics of this, and as I would then obviously claim the time in favor of the consideration of the resolution, the question before the House is: Should the House now consider House Resolution 661? And while the resolution waives all points of order against the amendment in the nature of a substitute and the amendment printed in the Rules Committee report, the committee is not aware of any points of order and the waivers are prophylactic in nature, which means Chairman MCKEON has filed an earmark statement regarding his manager's amendment and the statement we will read at some time in the future.

There is the ability, though, of obviously trying to find a solution to a problem that has developed, whether it is from miscommunication or not. From my position as managing this particular rule, I cannot commit to that. But I am aware, and I am sure that the committee is obviously recognizing the fact that we have multiple steps as we go forward. The Senate still has to produce a piece of work, and it has to go to a conference committee. At any of those steps along the way, there is the opportunity of trying to find a good solution to this particular issue. Though I cannot make a commitment on my part at this time, I think we can talk about that in the future.

And with that, Madam Speaker, I reserve the balance of my time and see if you want to go any further with this.

Mr. LARSON of Connecticut. I thank the gentleman from Utah. I know that he is a man of great integrity and respect, and I understand the dilemma that he is placed in in terms of the Rules Committee.

It is my understanding and hope, and we will work with the committee of cognizance because we do think, with so many people having signed on to this bill and so many people watching and knowing that there was good-faith agreements on all sides—and this is not about finger-pointing or blame. This is about helping these kids out. It's about helping these families out. I'm not here to obstruct the process, you're right. I raised the point of order so I would have an opportunity to talk about the Kenyons, not about the point of order. But that's the only tool that I had available to me, and I will continue to proceed down the road. And I know that I will be joined by Members on both sides, and hopefully we can have the will of the House be known and not rely on the Senate in the process of conference.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. When I was chairman of Government Reform and Oversight, we had hearings for about 2 years on the autism issue. And while I'm not going to speak on this particular motion, I would just like to say that it is a real tragedy that we are facing in this country. We used to have one in 10,000 people that were autistic—kids—and now it is 1 in 88. It is an absolute epidemic, and there's really not much of a recourse for the parents. These kids are going to live a normal life expectancy, and it's going to cost the taxpayers of this country and all the States a ton of money. And so we have to get a handle on this as quickly as possible.

So I appreciate the gentleman raising the issue. I'm not going to be able to support his position, but if I can work with you in any way to deal with this problem, I hope you'll contact me.

Mr. LARSON of Connecticut. I thank the gentleman, and I believe there will be a way if we can talk with Chairman MCKEON.

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

Mr. BISHOP of Utah. Madam Speaker, at this time, I am limited in the kinds of responses I have here. Once again, I appreciate the gentleman from Connecticut bringing this issue up. It is a significant issue. We have a great deal of empathy for this particular issue, and I'm sure that as we go along through the process of this bill, this issue and some others may be able to be worked out in other venues.

At this stage of the game, though, there are certain restrictions procedurally on what we can and cannot do with this particular issue. This issue, as I said, has had the statement by Chairman MCKEON as to the amendments. His statement was simply as follows:

The amendments to be offered by Representative MCKEON to H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 under rule XXI.

So with that, there are certain restrictions which we have to do procedurally to go forward with this particular piece of legislation, realizing there are other discussions that will take place before we come to a final conclusion. So in order to allow the House to continue its scheduled business for the day, I would urge Members to vote ''yes'' on the question of consideration of this resolution so that we can continue on with the 141 amendments that were made in order and then talk about procedurally how to do some others that may be coming down at some other time.

I yield back the balance of my time.

□ 1250

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. MCGOVERN. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts will state his inquiry.

Mr. MCGOVERN. Madam Speaker, how can I go about amending the resolution such that the amendment that I and Congressman WALTER JONES authored to H.R. 4310 regarding the war in Afghanistan could be made in order?

The SPEAKER pro tempore. At this point, an amendment to the resolution

could be offered by the gentleman from Utah or a Member to whom he yields for that purpose.

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that the resolution be amended to include the McGovern-Jones-Smith-Paul amendment on Afghanistan.

The SPEAKER pro tempore. Does the gentleman from Utah yield for a unanimous consent request?

Mr. BISHOP of Utah. No.

Mr. MCGOVERN. Madam Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. MCGOVERN. Is it true that the rule can be amended on the floor?

The SPEAKER pro tempore. At this point, only if the gentleman from Utah offers an amendment or yields to another Member for that purpose.

Mr. MCGOVERN. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. MCGOVERN. Is it true that the gentleman from Utah could yield for the purpose of a unanimous consent request to amend the rule?

The SPEAKER pro tempore. That is correct.

Mr. MCGOVERN. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. MCGOVERN. Is it true that the gentleman is continuing to prevent the House from debating and voting on the McGovern-Jones amendment simply because the Republican leadership is afraid it will pass?

The SPEAKER pro tempore. The gentleman is not stating a proper parliamentary inquiry.

The gentleman from Utah is recognized for 1 hour.

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

GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. BISHOP of Utah. Madam Speaker, this resolution provides for a structured rule for the consideration of H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013, and provides for the consideration of specific amendments that have been made in order pursuant to the rule.

I'm actually pleased to stand before the House on this one, as well as the underlying base bill, which was approved in a rule yesterday and was debated on this floor. It signifies the hard work of the chairman of the House Armed Services Committee, Mr. MCKEON, as well as the ranking member, the gentleman from Washington State (Mr. SMITH), and the complex of wide-ranging bills that go to the floor for our consideration or issues.

One of the things that is so nice about this particular issue, bill, and the relationship of this committee is their tradition of working together across the aisle in a bipartisan manner. It was done again this year in committee. I certainly hope that that policy retains itself here on the floor as well.

Much has already been said regarding H.R. 4310. This particular rule now allows amendments to be considered to that.

Realizing that every one of the issues that we will be talking about was handled under regular order in a subcommittee hearing with a subcommittee mark, and then a full committee hearing—which lasted for over 2 days, going way into the early morning hours of the morning—we have now been requested, as the Rules Committee, to consider 240 additional amendments. At some point in the process we need to stop trying to reinvent the wheel at every level and go on with the work that moves us forward to a product. The Rules Committee, in an effort to try and be as open as possible, made in order 141 of the 240 requests. Of those 141, 49 were Republican, but 63 were Democrat amendments and 29 were bipartisan amendments.

It's going to be an open process. And it's going to be a process that will allow for a wide range of debate, some of which—and hopefully all of which—will in some way be directed to the purpose of this bill, which is to provide authorization for the military defense of this country and provide what our military shape will appear to be. There may be some efforts to try and go with other issues that are tangentially related but not directly to the core responsibility of this bill, which is to shape the future of our military. But it is a fair rule and it is a good rule, which makes lots of amendments in order and which makes lots of Democrat amendments in order and bipartisan amendments in order, with also a few Republican amendments in order as well.

With that, as I'm sure we'll have more time to discuss this rule, I reserve the balance of my time.

Mr. MCGOVERN. I thank the gentleman from Utah for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. Madam Speaker, let me begin by commending the chairman of the House Armed Services Committee, Mr. MCKEON, and the ranking member, Mr. SMITH of Washington, for their hard work on this bill. As has been mentioned, these two gentlemen demonstrate that despite strong differences of opinion they can work together in a bipartisan manner, and that is to be commended. Unfortunately, Madam Speaker, the same cannot be said of the Rules Committee, and I strongly oppose this rule.

Last night, late at night, the Rules Committee made in order several amendments to the defense bill—we have a long list of them here—but many other amendments on important, substantive issues were denied an opportunity for debate. Among those was a bipartisan amendment on Afghanistan submitted by my Republican colleagues, Congressman WALTER JONES and RON PAUL, my Democratic colleague, the ranking member of the House Armed Services Committee, Congressman SMITH of Washington, and myself. In fact, the ranking member of the Armed Services Committee asked that an amendment he had on Afghanistan be withdrawn so that he could support the amendment that Mr. JONES and I brought before the Rules Committee.

In brief, it would have required the President to fulfill his commitments to transition all combat operations to Afghan authority no later than the end of 2013 and complete the transition of all military and security operations by the end of 2014. Anything beyond 2014 should be authorized by Congress.

The McGovern-Jones-Smith-Paul amendment would have replaced section 1216 in this bill, which retains at least 68,000 troops in Afghanistan until 2015, and then advocates a robust military presence beyond that date. Madam Speaker, that seems like an important issue that deserves a serious debate, but the Rules Committee said no. They refused to make our amendment in order. And why not, Madam Speaker? What is the Republican leadership afraid of? Are they afraid that a bipartisan majority of this House will vote to follow the will of the American people and change our Afghanistan policy?

Madam Speaker, we have been at war in Afghanistan since 2001. This is the longest war in American history. By the end of this year, we will have gone into debt to the tune of nearly $500 billion to finance the war in Afghanistan—all of it borrowed money, all of it on a national credit card; not a single penny of it paid for, and that includes the $88.5 billion in this bill.

Over 15,000 of our brave servicemen and -women have been wounded, and the death toll of our troops in Afghanistan has now reached 1,968. That number continues to grow as U.S. forces receive less cooperation from Pakistan and they are subject to increasing attacks from Afghan Government troops serving alongside them. And the death toll numbers do not include the soaring rates of suicide by our returning war veterans. But the Republican leadership of this House does not think we should debate an amendment that advocates a different approach. That is simply outrageous, Madam Speaker.

Every single one of us, every single one of us in this Chamber, is responsible for putting our brave servicemen and -women in harm's way, and to disallow an amendment, to disallow this kind of debate that would help change our policy, I think is outrageous.

I'm glad that the Rules Committee finally made in order the one Afghanistan amendment submitted by the gentlelady from California, Congresswoman BARBARA LEE. This amendment calls for the safe, orderly, and expeditious withdrawal of our forces from Afghanistan, and it will finally allow Members of this body to vote on whether it is time to bring all of our troops home right now from Afghanistan.

Last night, the chairman of the Rules Committee told me that I should be happy because they were making that one amendment on Afghanistan in order, and it was going to receive a whole 20 minutes of debate—20 minutes for a debate on the war in Afghanistan, just 10 minutes for those of us who have concerns about the war. Are we really supposed to be happy about that? Are the American people supposed to be happy about it?

Poll after poll reveals that a majority of Americans—Democrats, Independents, and Republicans alike—now support ending U.S. military operations in Afghanistan and bringing our servicemen and -women home. Winding the war down as quickly as possible is a bipartisan issue.

□ 1300

It has bipartisan support in this House, and it has been granted just 20 lousy minutes of debate.

Well, I'm not happy with that, Madam Speaker, and I can't imagine that any Member of this House thinks that 20 minutes is enough time to debate the life-and-death issues of the war in Afghanistan.

We spend 40 minutes in this House on bills naming post offices, 40 minutes on naming post offices, and that's fine. But the longest war in U.S. history only warrants half of that? Talk about misplaced priorities.

As the only amendment on the war in Afghanistan made in order, I urge my colleagues to vote in support of the Lee amendment. Otherwise, this bill calls for our uniformed men and women to remain in Afghanistan indefinitely, and my colleagues need to be clear on this. This is a bill that would mandate that our brave men and women in uniform stay there indefinitely.

The Rules Committee also denied Congressman GARAMENDI's amendment to strike the funding to construct an east coast Star Wars fantasy base. The defense bill provides $100 million in start up money for the east coast base, and to bring it into operation by 2015 will require another projected $5 billion.

Just last week, Army General Martin Dempsey, the Chairman of the Joint Chiefs of Staff, said the site is not needed. The Pentagon doesn't want it, Madam Speaker. And I actually think $5 billion is lowballing the cost. A similar base on the west coast has now cost us upwards of $30 billion.

Why shouldn't we have such a debate on an expensive proposal like that? Or is all the Republican talk about cost-cutting and putting our fiscal house in order as big a fantasy as this silly Star Wars proposal?

And where are all these extra billions and billions of dollars coming from, Madam Speaker? Well, we know where it's coming from. We had that debate just last week. It's coming from programs to help hardworking families. It's coming from the safety net that keeps those families from falling into poverty, especially in these hard times. It's coming from programs that make sure seniors and the working poor can at least put food on the table and take their kids to a doctor when they're sick. SNAP, Medicaid, Meals on Wheels, Medicare, health care for women and children, education infrastructure—in short, it's taken from programs that are the very lifeblood of our cities, States, and our towns.

Madam Speaker, this bill costs $642.7 billion. But too many amendments to reduce some of the more outrageous costs in this bill were denied by the Republican Rules Committee. In real terms, defense spending is now more than 20 percent higher than the average Cold War budget and double the amount we were spending a decade ago.

Madam Speaker, we have, and we will continue to have, the greatest, strongest military on the face of this Earth. But at some point, national security means more than throwing billions of dollars at pie-in-the-sky Star Wars programs that will never actually materialize.

It means taking care of our own people. It means educating our children. It means an infrastructure that isn't crumbling around us. It means clean air and clean water and a health care system that works. It means creating jobs so that our local communities can thrive and our veterans from Iraq and Afghanistan can actually find decent work when they return home. These must be our priorities.

Madam Speaker, let me conclude by quoting President Dwight Eisenhower in a speech he made in 1953:

> Every gun that is made, every warship launched, every rocket fired signifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed.

His words resonate with us today. Unfortunately, the Republican leadership of this House refuses to heed them.

I urge my colleagues, especially those who are concerned about this war in Afghanistan, vote this rule down. This is an unfair, unfair rule. It doesn't deserve to go forward. We ought to have a real debate on Afghanistan, and I hope my colleagues on both sides of the aisle will stand with me.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, as we discuss the amendments that we've made to a bill whose purpose is to shape the future of our services and how they will function, not necessarily every kind of tangential issue, I would like to yield as much time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the full Rules Committee.

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

Mr. DREIER. Madam Speaker, let me begin by thanking my friend for his superb management of this very important rule.

I'm happy to see my very good friend and very thoughtful colleague from Washington, the distinguished ranking member of the Committee on Armed Services, here; and I know Mr. MCKEON and his team have been here as well. And I want to extend appreciation to them for their hard work in putting together a bipartisan package which will deal with what I argue is the one thing that only the Federal Government can do.

Mr. SMITH and I had an exchange in the Rules Committee on this. There are many things that the Federal Government does that are very good. There are many things that the Federal Government does that are important. I argue that most of the things that the Federal Government does can, not necessarily that they must, but can be handled by other levels of government or individuals, or charitable organizations or a wide range of things. But when it comes to our Nation's security, only the Federal Government has the ability and the responsibility to deal with that.

I argue that if you look at the preamble of the Constitution, the five most important words are right smack dab in the middle. They are ''provide for the common defense.'' And that's exactly what we are doing with this effort.

Again, I believe that we have put together a rule that is not perfect. I'll acknowledge that it's not perfect; but I do want to express my appreciation to my friend from Worcester, the floor manager on the minority side for this rule, in acknowledging that we have made in order an amendment that will allow for a debate on this issue, the amendment of my California colleague, BARBARA LEE, and he's encouraging support for that amendment.

I understand that he's disappointed that his amendment was not made in order. But, Madam Speaker, it's important to note that we had 243 amendments submitted to the Rules Committee for consideration of the Defense authorization bill, and we had the challenge of trying to put together, which happens under both Democrats and Republicans, putting together a rule that will allow for a free-flowing debate and an opportunity for Members to cast up-or-down votes on the issues that relate to the Defense authorization bill.

And we have done just that: 142 of the 243 amendments have been made in order; 66 percent, 66 percent of the amendments that have been made in order have been offered by Democrats or in a bipartisan way. And so the notion of saying somehow that the majority is not allowing for debate on any issue, including Afghanistan, is a mischaracterization of what this rule does.

I will say that my friend is absolutely right: this has been an extraordinarily long war, the longest war we've faced. It's a war that's ongoing. It's a war against radical extremism. We all know that.

People ask, What is it that is our mission in Afghanistan regularly? And I think that as we point out what that is, to me it's obvious. It's ensuring that neither the Taliban nor al Qaeda are in a position to pose a threat to the United States of America and our interests and peace-loving people around the world. That's what we are trying to accomplish.

We all know what happened at the end of the 1980s when we saw the demise of the Soviet Union and we saw, obviously, an effort in the early part of the first half of the 1990s, we saw the Taliban reemerge, and we saw threats that existed from an al Qaeda to all parts of the world: Dar es Salaam, Tanzania; Nairobi, Kenya; the World Trade Center attack in 1993. We can go through the litany of these attacks.

We have, as a goal, ensuring that the kinds of threats that we faced never, ever happen again. That's why it is that we're there.

Now, has it worked out perfectly? Absolutely not. And we know that we have a Nation that is war weary. I, Madam Speaker, am war weary. I want to bring our men and women home. But at the same time, I understand why it is that we are there; and I think, working in a bipartisan way, we can get where we all ultimately want to be because we do share the goal of a stable, safe, free, peaceful world. That's the reason that we, as a Nation, have stood firmly committed to our Nation's defense capability.

And so, Madam Speaker, I'd just like to say that this is a rule that is not perfect, doesn't make everyone happy; but it will allow, today and tomorrow, for us to have a free-flowing debate, move ahead with this constitutionally very important issue of providing for our common defense.

With that, I urge my colleagues to support it.

Mr. MCGOVERN. Madam Speaker, at this time I yield 3 minutes to the gentleman from Washington (Mr. SMITH), the ranking member of the Armed Services Committee.

(Mr. SMITH of Washington asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Washington. Madam Speaker, I can't recall in 16 years in Congress ever speaking against a rule. By and large, I have a great deal of respect for the fact that the majority has the right to set the terms of debate. I understand that we cannot endlessly debate every issue. You have to set a certain amount of parameters on it and move forward.

□ 1310

But this rule goes so against the principles of how we are supposed to debate the Armed Services bill—and I've been privileged to be on that committee for 16 years—that I have to speak against this rule. It is not allowing us to have our position on the single most important issue that faces our country right now on the Armed Services Committee—the future of the war in Afghanistan. It is not allowing us to have our position debated and voted on on the floor.

Now, I had an amendment on Afghanistan in the committee, which was not allowed either because of sequential referral rules. The committee gets all kinds of interesting sets of rules; and even though the base bill had a discussion of Afghanistan policy, my amendment was not allowed. So we said, okay, we'll have the debate on the floor. I worked with Mr. MCGOVERN, and I worked with a variety of others. I very specifically told the Rules Committee that this is our amendment on Afghanistan, and it was not allowed in order. The amendment that was allowed in order by Ms. LEE simply says: get out. There is a huge distance between that policy and the policy of the majority, which is: as many troops for as long as possible. That is the position that Mr. MCGOVERN and I put forward. I asked the Rules Committee to rule it in order, and they denied us the right to debate that amendment and to vote on it.

It is the single most important issue facing our Armed Forces right now. The minority's position was excluded from this debate. Now, I can understand why. Close to 70 percent of the country wants us out of Afghanistan quicker. The majority's position is: more troops in Afghanistan for a longer period of time. Our position is quite the opposite: get us out as soon as we responsibly can; meet those obligations on counterterrorism, but do so without an extended troop presence. Our position is clearly where the country is. The majority didn't want to have to vote on that. It didn't want to have to have that debate, so they froze out our amendment.

There are a lot of debates that when you're in the majority you'd just as soon not have. I understand that, but that's why it's a representative democracy, and that's why we have the rights of the minority. That's why, particularly on the Armed Services bill, I tell everyone that it's the most bipartisan committee in Congress.

Let me just say that my beef is not with Chairman MCKEON. He has worked with me in an open and honest manner, and he testified at the Rules Committee that my amendment should be ruled in order, and yet it was not.

This is a critically, critically important issue. They have denied us the right to debate it. They have denied us the right to put our position out on the floor, to have a debate, and to have a vote on the war in Afghanistan, on the Armed Services bill. There is no more important issue. They were afraid of the debate—afraid that they're on the wrong side of the issue—so they denied the people's House the right to debate it and to vote on it.

I can think of no greater reason to vote down a rule than that. It is a shameful way to deal with the Armed Services Committee bill. I urge this body to vote ''no.''

Mr. BISHOP of Utah. Madam Speaker, at some point, I will make some comments as to the history of what we are trying to do, but I would like to get a few of the other issues before us—which are amendments—covered before we collapse into what appears to be the direction in which we are going.

Because of that, I would like to yield 3 minutes to one of the members of the Armed Services Committee, who, indeed, is the chairman of one of the subcommittees and who does yeoman's work, especially with our missile defense system, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. I want to thank Mr. BISHOP for his leadership on this and on the issues of our national security.

I am here today to speak in support of this year's National Defense Authorization Act and this rule. This bill is a reflection of the committee's aim to both support the defense of our Nation and of our men and women in uniform. Two provisions in this bill are of particular interest to me. One relates to the prevention of sexual assault in the military, and the other pertains to protecting the child custody rights of our deployed servicemembers.

As the chairman of the Military Personnel Subcommittee, JOE WILSON has been a steadfast advocate for these issues. His commitment is reflected in this year's bill and in many more preceding it. I would also like to thank his professional staff, John Chapla and Jeanette James, who have both been instrumental in this legislation.

This year's bill contains several provisions that aim to improve military culture and climate as it relates to sexual assault. Included are provisions that require the disposition of sexual assault cases at a higher level authority than is currently required. It also requires the creation of special-victims units that specialize in the investigation of sexual assault cases. A sexual assault advisory council will be created, which will bring in experts to advise the Department of Defense and their Sexual Assault and Prevention Office on sexual assault policy. These provisions build upon the years of bipartisan committee work.

Today's military has sustained the longest war in our country's history and has done so with an all-volunteer

force. Both men and women have left their families and children at home and have sacrificed their lives for our country in order to make the world a better and safer place. Yet many of these same servicemembers face the terror of sexual assault within their own ranks.

To combat this problem, we included a provision in a past National Defense Authorization Act to establish a sexual assault prevention office and to make victim advocates more accessible to our men and women who are affected by this terrible crime;

We made communications between victims and advocates privileged. In the past, these conversations could be used against them in court;

We mandated that the SAPRO director have the rank of a general officer in order to maintain the level of authority necessary to carry out the responsibilities inherent to the position;

We instituted a law requiring that military protective orders be made standing orders and that civilian authorities be notified when a military protective order is issued and affects off-base personnel;

Lastly, we have worked with the Department of Defense to create a policy that requires a general officer review of any denial of base transfer to victims of sexual assault.

It is our intent that these news laws empower sexual assault victims and make the armed services a safer place for all who serve. I want to thank Mary Lauterbach, from my community, who lost her daughter—murdered by a fellow marine after she made a sexual assault allegation.

Another issue is of child custody. Servicemembers risk their lives in support of contingency operations to keep our Nation safe. State courts should not be allowed to use a servicemember's prior deployments or the possibility of future deployments when making child custody determinations. The provision in this bill will amend the Servicemembers Civil Relief Act and protect servicemembers against this injustice by providing national uniform standards. State laws differ on the question of whether deployment or the potential for deployment can be used as a criterion by courts, and many States have no laws at all.

I encourage the passage and support of this, and I thank JOE WILSON for the inclusion of these two important provisions.

Mr. MCGOVERN. Madam Speaker, I am proud to yield 3 minutes to my Republican colleague, the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Madam Speaker, I thank the gentleman from Massachusetts.

I want to start my comments with his close. As he closed with the quoting of President Eisenhower, I would like to begin my comments by quoting President Eisenhower. When he was leaving office, he said, ''Beware the industrial military complex.''

Madam Speaker, it doesn't make any sense when our kids are dying or losing their legs that we're going to have a 20-minute debate on Afghanistan. We ought to be having a full day of debate on Afghanistan, quite frankly. We've spent $1.3 trillion in Iraq and in Afghanistan. Over 6,400 Americans have died. That's why I rise with my friend Mr. MCGOVERN.

I will tell you that I will vote against the rule today because it denies the American people a full debate on why our young men and women are dying for a corrupt leader named Karzai. Madam Speaker, we can't even audit the books in Afghanistan. I think about the fact of those marines I saw recently at Walter Reed over in Bethesda. Two had lost both legs. They're from my district, Camp Lejeune. One was a lance corporal who lost one leg.

He said to me, Congressman, why are we still in Afghanistan? I said, Sir, I don't know. With friends from both sides, I'm trying to get you out of Afghanistan.

But, no, we're going to stay there because we won't even take the time to debate Afghanistan on this bill. It doesn't make any sense.

I took the McGovern amendment, and I sent it to my adviser, who is a former commandant of the Marine Corps.

I said to him, Mr. Commandant, what do you think about this approach by Mr. MCGOVERN and myself? He emailed me back and said, You're on track. Bring it up and debate it in the House.

And we can't even do that.

Let me quote a Special Operations officer in Afghanistan today—today. He emailed this to me yesterday:

If you ask me if it's worth one American life to build governance here in Afghanistan, I would say ''no.''

They're on the ground, Madam Speaker. They're on the ground and are fighting for this country. This week, we lost seven American lives in Afghanistan. We owe it to them to at least debate a realistic future course for the war. What we are doing today and tonight and tomorrow is not realistic because there are those in this House of Representatives, for whatever reason, who want to stay there 15 years and 20 years. That's why we today owe it to the men and women in uniform, to the families who have kids who have died and, really, more so, Madam Speaker, to the kids who came back with their legs gone.

□ 1320

I've seen five kids at Walter Reed that have no body parts below their waist, and they're living and they will live.

We owe it to the American people to debate the future course in Afghanistan, and I'm sorry that many on my own side will not allow this amendment to get to the floor so we can have an honest debate and we can say to the American people we care about your $10 billion, we care about your sons and daughters, and it's time to stop sending them to give their life for nothing in Afghanistan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

Mr. BISHOP of Utah. Madam Speaker, I am pleased to yield 2½ minutes to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES of Missouri. Madam Speaker, I rise in support of the rule, House Resolution 661, which allows for full and fair debate on the National Defense Authorization Act.

Given that the Federal Government spends over half a trillion dollars each year through contracts, the Federal procurement market is incredibly important to small businesses. Improving small business opportunities for Federal contractors is a triple play. Small businesses win more contracts, workers win more jobs, and taxpayers win because small businesses bring competition, innovation, and lower prices to save the government money.

H.R. 4310 ensures that small businesses have greater opportunities to compete. It increases the small business goal from 23 percent to 25 percent, which could mean up to $11 billion in new small business contracts. It improves the quality of the Federal contracting workforce. It cracks down on deceptive entities hiding behind small businesses, making it easier to catch fraud and abuse. It simplifies the rules for small businesses, and it addresses the top complaint I hear more than anything else, which is unjustifiable contract bundling.

These reforms reflect the work of the Small Business Committee, which held 10 hearings and two markups on these issues, and the Armed Services Committee's own efforts to do better by small contractors. Over 20 trade associations have offered their support to the changes.

I want to thank Chairman MCKEON, Ranking Member SMITH, Mr. SHUSTER, Mr. LARSON and their staffs for the assistance of bringing these provisions to the floor.

While the House is seeking ways to expand opportunities for small businesses, the administration issued a statement opposing the bill's modest increase in small business goals in the bill's bundling provisions that make it easier for small businesses to compete.

Ironically, this opposition came the same day that the administration issued a report seeking ways to move America's small businesses forward. The best way to move small business forward is to give them opportunities to succeed. Supporting this significant legislation will create jobs, save taxpayer dollars, and put small businesses back to work.

I urge my colleagues to support this rule and the pro-jobs, pro-competition, and commonsense reforms in this bill.

Mr. MCGOVERN. Madam Speaker, at this time, it is my privilege to yield 4

minutes to the gentleman from Maryland, the Democratic whip, Mr. HOYER.

Mr. HOYER. I thank my friend from Massachusetts for yielding, the acting ranking member of the Rules Committee right now, who is a distinguished Member of this body.

I rise in deep disappointment at the treatment he was accorded last night. It was unworthy of this body, unworthy of the Rules Committee, and unworthy of the character and integrity of the gentleman from Massachusetts. I am pleased that there has been an apology for that, but I did not want it to go unmentioned. This body is better than that; although, at times, it is not. We ought to all lament the fact when it is not.

Madam Speaker, the rule to consider this bill is not only unfair but inconsistent with the majority's stated goal of having an open process. I will quote the Speaker in just a couple of minutes.

My friend from Massachusetts (Mr. MCGOVERN) has put forward a bipartisan amendment—and I want to commend the gentleman from North Carolina, my Republican colleague, and I hope all Americans, Madam Speaker, notice the courage and conviction that the gentleman from North Carolina (Mr. JONES) has. He was sponsoring an amendment with the gentleman from Massachusetts, and they don't always agree. But as the gentleman from North Carolina said: There is no more important issue that confronts a country than sending its young men and women in harm's way at the point of the spear.

Yes, it is to defeat terrorism and to keep America safe, but the decision to do that and the ongoing discussion, particularly after a decade, is certainly something the American people would expect, a full-blown debate and airing of our continuing to keep our young people and not-so-young people in harm's way. It is certainly germane to this bill as it concerns our military operations in Afghanistan.

Mr. MCGOVERN's amendment and Mr. JONES' amendment would reaffirm the strategy laid out by the President and agreed to by the Afghan President to transition security responsibility to Afghan forces so our troops can come home.

Today, Al Qaeda has been forced out of Afghanistan and the Taliban is severely weakened, objectives that I supported. Afghan forces are taking responsibility for more and more of their country's security, and we're making strong gains thanks to the hard work and sacrifice of our troops whom we honor.

With tens of thousands of Americans still deployed in combat, one of our highest priorities in this year's Defense authorization act must be to make sure they have a strategy to complete their mission and return home safely. We owe that to them. We owe that to their parents, their wives, their brothers, their sisters, their nieces, their nephews, and to all their neighbors.

Our men and women in uniform have performed everything asked of them with courage, distinction, and professionalism. We've asked many of them to return for tour of duty after tour of duty to one of the world's most deadly war zones, and we owe it to all of them to have a carefully conceived strategy. Mr. MCGOVERN's amendment would not tie the President's hands and would help place us in the strongest possible position to combat terrorism around the world.

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

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

Mr. HOYER. I understand that everybody may not agree on Mr. MCGOVERN's formulation, but that's what this body is for: to debate these issues of great importance to the people and resolve them in a democratic way.

I'm sorely disappointed that this amendment was not made in order. If it had, I would have voted for it.

In September, Speaker BOEHNER, himself, said something significant. Madam Speaker, it's important what the Speaker said, and I agree with what the Speaker said. He said this:

> I have no fear in allowing the House to work its will . . . I've long believed in it, and I continue to believe in it.

Madam Speaker, the actions of the Rules Committee last night were inconsistent with that conviction. Let the House work its will. Let's have a vote on this amendment. Let us send a message to our troops that we have an exit strategy in Afghanistan, that we'll see them safely home with their mission accomplished.

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

Mr. MCGOVERN. I yield the gentleman an additional 10 seconds.

Mr. HOYER. I want to thank Representative MCGOVERN for his leadership on this issue, commend Ranking Member ADAM SMITH of the Armed Services Committee for his work on this amendment, and I congratulate Mr. JONES for his courage and for his vision.

While you may disagree, you ought not to shut down alternative opinions.

□ 1330

Mr. BISHOP of Utah. I yield myself 2 minutes at this time.

I am somewhat perplexed at the idea that what is happening here is not being fair, according to the standards that we've had in the past. This particular rule makes 141 amendments—two-thirds of them Democrat or bipartisan amendments—in order. Last year, the rule made 152 amendments in order. Yet when the other party was in control of this body, on this same bill, they made in order 82, 69, 58, and 50 in each of the 4 years in which they were in control. The idea of tripling the number of bills that are being made in order to be debated on this floor has to be considered as one of those things that's fair.

The issue that supposedly is not allowed—even though it will be debated because there is an amendment, and it will be part of the discussion here—was not totally ignored. In fact, some of the statements that have been made on how we're not talking about this at all—it was addressed in the committee as well. And the committee voted on a bipartisan vote of 56–5.

But this is where I have some difficulty because all I can do is know what I'm reading. And in section 1216 of the bill, it clearly says the United States military should not maintain an indefinite combat mission in Afghanistan and should transition toward a counterterrorism and advise and assist mission at the earliest practical date consistent with conditions on the ground. It's what the committee went through. They talked about it. It was part of the discussion.

It can be part of the discussion in alternative bills other than this particular one, which we have to have if, indeed, you want to fund the military and pay their salaries and pay their health care and provide the shape of the future military. That's what the purpose of this bill is. To say that we are denying any kind of access just does not meet with the reality of what is in the base and what has been done and what will be done in other particular venues.

I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, it's my pleasure to yield 1 minute to the gentleman from California (Mr. MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. I rise in opposition to the bill and to the underlying rule.

To put it simply in the minute that I have, this bill needlessly puts in jeopardy the health and safety of workers and residents who live near nuclear weapons facilities. Congressman VISCLOSKY, Congresswoman SÁNCHEZ, and I offered an amendment to fix these dangerous flaws. But today's rule will not allow that amendment onto the floor.

Our amendment recognized that these facilities pose unique challenges when it comes to health and safety. They are ultrahazardous. They make plutonium pits, handle bomb-grade uranium, and manage high explosives. If the worst were to happen, the American taxpayer is on the hook for any nuclear event, even if the contractor that operates the facility engages in gross misconduct. To protect workers, residents, and taxpayers, we need to ask that contractors live up to the highest standards of safety. This legislation does not do that.

I want to commend the gentleman from Massachusetts (Mr. MCGOVERN) for trying to get this amendment made in order in the Rules Committee. It's an important amendment. We're hearing from workers in these facilities all

across the country that we're removing a critical margin of safety for them, that we're turning this over to contractors and lessening the safety standards across these plants and removing the jurisdiction of the Secretary of Energy. This bill should be rejected for what it does to these workers.

These are some groups submitting letters opposing changes to nuclear safety protections in H.R. 4310:

1. Defense Nuclear Facilities Safety Board
2. Alliance of Nuclear Worker Advocacy Groups
3. Alliance for Nuclear Accountability
4. Building and Construction Trades Department, AFL–CIO
5. Metal Trades Department, AFL–CIO
6. United Steelworkers
7. Laborers International Union of North America
8. Communications Workers of America
9. National Treasury Employees Union
10. Project on Government Oversight

DEFENSE NUCLEAR FACILITIES SAFETY BOARD,
Washington, DC, May 7, 2012.

Hon. LORETTA SANCHEZ,
Ranking Member, Subcommittee on Strategic Forces, Committee on Armed Services, House of Representatives, Rayburn House Office Bldg., Washington, DC.

DEAR CONGRESSWOMAN SANCHEZ: Thank you for the opportunity to provide input and comments on HR4310, the FY 2013 National Defense Authorization bill, particularly with regard to the sections in Title 32 that affect nuclear safety, and the Board's oversight mission, operations and budget capacity. I'm convinced that the legislation, if enacted, will weaken current independent nuclear safety oversight and enforcement at DOE's defense nuclear facilities. I have spent my entire career spanning more than 40 years supporting the national security programs of the United States. Nothing would sadden me more than seeing that mission compromised by threats to public and worker safety resulting from lapses in safety.

As you know, I presently serve as Chairman of the Defense Nuclear Facilities Safety Board (Board), having been appointed by President Bush to the Board in 2006 and later reappointed as its Chairman by President Obama in 2010. I have 43 years of experience as a scientist and engineer in the field of radiation effects science, technology, and hardness assurance in support of military and space systems. I was elected a Fellow of the Institute of Electrical and Electronic Engineers and the American Physical Society, and was selected as one of the most highly cited researchers in Engineering by the Institute for Scientific Information, which lists the 250 most highly cited researchers in the world in given scientific fields. I have been honored with the 2000 IEEE Millennium Medal, IEEE Nuclear & Plasma Sciences Merit and Shea Award, R&D 100 Awards, Industry Week's Top 25 Technologies of Year, and Discover Award, and many prize-winning papers. I have authored 140 publications in the open refereed literature, including more than 30 invited papers, book chapters, and presentations.

The Board provides the only independent safety oversight at DOE's defense nuclear facilities. As Chairman of the Board I am proud of the safety record of the DOE and the role that the Board has played over the last 23 years. There is no question that the defense nuclear facilities complex is in a safer posture now than when the Board commenced operations in the late 1980's. However, we cannot ignore the current and emerging challenges that will define the future of DOE's defense nuclear facilities, the need for federal stewardship of this enterprise, and the federal commitment to protect the health and safety of the workers and the public. Today's challenges of aged infrastructure, design and construction of new and replacement facilities, and the undertaking of a wide variety of new activities in defense nuclear facilities coupled with ongoing mission support activities require continued vigilance in safety oversight to assure public and worker protection. A nuclear safety incident cannot be tolerated and would do irreparable harm to the stockpile stewardship and legacy waste missions of the Department of Energy.

This legislation contains significant changes to the National Nuclear Security Administration (NNSA) Act and the Board's Enabling Statute that would put NNSA and DOE's national security mission in jeopardy. The proposed changes, if enacted, would amount to Congress concluding that NNSA does not need independent safety oversight. It would all but erase the Board's independence and authority with respect to safety oversight of NNSA defense nuclear facilities and activities. Changes to the Atomic Energy Act would lower the standard used to ensure adequate protection of public safety. The legislation endorses a strong shift toward contractor self-regulation, which is not justified based on the present maturity of contractor assurance systems but, even more importantly, neuters the inherent responsibility of the government to ensure public and worker safety. This responsibility cannot be delegated by NNSA to its contractors. Finally, the President's ability to direct NNSA's operations through the Secretary of Energy would also be much reduced. Let me address a few of these concerns in more detail.

Section 3113 of the bill gives the NNSA Administrator complete authority to establish and conduct oversight of NNSA activities outside of that already established by the Secretary of Energy. The Administrator develops a system of governance, management, and oversight, of covered contractors and ensures that any and all Federal Agencies comply with this system. Clearly, this vacates the notion of independent oversight, which should be of grave concern to the Congress. Other agencies that presently provide oversight include the Board, Nuclear Regulatory Commission (NRC), Environmental Protection Agency, Department of Transportation, and the Occupational and Safety Health Agency (OSHA). Some examples of undesirable consequences of the proposed language include:

The Board will be unable to provide effective safety oversight.

The NRC will be precluded from conducting license-related oversight activities associated with operation of the MOX facility.

NNSA itself will be precluded from conducting Operational Readiness Reviews, Integrated Safety Management System Verifications, and Nuclear Explosive Safety Studies.

Section 3113 of the Bill further directs the NNSA Administrator to ''conduct oversight based on outcomes and performance-based standards rather than transactional oversight.'' I am convinced this model is inappropriate for oversight of complex, high-hazard nuclear operations at defense nuclear facilities. NNSA defines ''transactional oversight'' as activities that assess contractor performance through evaluating contractor activities at the work, task, or facility level; direct interaction with personnel at any level within the contractor organization; and direct independent Federal staff evaluation of activities, physical conditions, and contractor documentation. [NA–1 SD 226.1A, NNSA Line Oversight and Contractor Assurance System Supplemental Directive] Clearly, transactional oversight is essential at the Pantex Plant where nuclear weapons are assembled, disassembled, and undergo surveillance. It is also essential for plutonium operations at the Los Alamos Plutonium Facility, highly-enriched uranium operations at the Y–12 National Security Complex, and for complex, high-hazard nuclear operations at the Nevada National Security Site, Lawrence Livermore National Laboratory, and Sandia National Laboratories. For these activities, anything other than transactional oversight is irresponsible and will jeopardize the NNSA mission. The government cannot delegate its responsibility to ensure public and worker safety to its contractors.

I think it is important to understand that a system based on ''outcomes'' is inappropriate in safety space. The Nuclear Regulatory Commission uses performance-based regulation to improve effectiveness and efficiency, but not where failure to meet a performance criterion can result in an immediate safety concern. For safety, a system of ''leading indicators'' to prevent accidents is required. For complex, high-hazard nuclear operations, a performance-based outcome approach may appear successful on the surface, but underlying weaknesses in processes can eventually lead to serious accidents and unwanted results. A significant body of information on this subject is available in both the commercial and academic sectors; it was also explored in the series of public meetings and hearings that led to issuance of the Board's Recommendation 2004–1, Oversight of Complex, High-Hazard Nuclear Operations.

The Board has devoted considerable resources in the past few years to understand activity-level work planning and control. We have teamed with the Department and NNSA to understand the challenges of writing and implementing procedures that account for hazards in the workplace and the controls necessary to mitigate those hazards. There are many challenges to implementing those procedures that must account for a wide range of human factors. The inescapable conclusion is that the key to worker safety is the ability to faithfully and repeatedly execute procedures. A procedure is only the starting point. A system of transactional oversight is the only way to ensure the safe execution of work through the effective implementation of procedures.

I believe one of the contributing factors that lead the House Armed Services Strategic Forces Subcommittee to propose this legislation was a basic misunderstanding of the testimony it received at the its February 16, 2012 hearing on ''Governance, Oversight, and Management of the Nuclear Security Enterprise.'' At that hearing, Dr. Shank, Co-Chair of the Committee to Review the Quality of the Management and of the Science and Engineering Research at the Department of Energy's National Security Laboratories, testified about the scope of this review and its conclusions. One concern and associated conclusion is embodied in this legislation, i.e., the need to ''conduct oversight based on outcomes and performance-based standards rather than transactional oversight.'' However, when the Board subsequently met with Dr. Shank, it became clear that his review committee did not look at defense nuclear facilities at any of the laboratories. Dr. Shank explained that the committee focused on management of science, not safety, and not production facilities. The review was focused on the need for the laboratories to do research more efficiently and effectively, and improve morale at the laboratories. The

committee did not review complex, high-hazard nuclear operations or any high-consequence operations. In my opinion, this testimony should not be used as the basis to argue against the need for independent oversight or eliminate transactional oversight at defense nuclear facilities.

For the record, the Board's staff asked about the significance of Appendix 3 to the Committee's report, ''Review of Relevant Studies and Reports 1995–2010.'' Appendix 3 is the only part of the report that discusses the Board. Dr. Shank characterized Appendix 3 as an add-on and not part of the report. The Board's staff followed up with Mr. Shaw, Project Director, on April 20, 2012, to understand this distinction. Mr. Shaw explained that he and his staff of research assistants prepared Appendix 3 as background material for the committee. The appendices are a compilation of lines of inquiry or questions that the Committee members raised as the study progressed, and items for which Mr. Shaw and his staff thought they needed to provide more background information to the Committee members to understand what had been presented. He informed the Board's staff that, to comply with the Federal Advisory Committee Act, that information along withal! other such material provided to the committee were included as appendices to the report. However, he reiterated that they should not be viewed as the work of the committee or representative of the Committee's conclusions.

The proposed legislation requires the Board and NNSA to use a new health and safety standard. More specifically, Sections 3115 and 3202 of the legislation establish a new lower standard for protection of the public in proximity to DOE's defense nuclear facilities. (As discussed below, Section 3202 of the bill deals with ''Improvements to the Defense Nuclear Facilities Safety Board.'') The new standard ''ensures that risks to . . . the health and safety of the general public . . . are as low as practicable and that adequate protection is provided.'' (Please note that in Section 3115 the risks are ''as low as practical,'' while in Section 3202 the risks are as low as reasonably practical.'') This standard lowers the protections presently provided to the public by the NRC for commercial nuclear power and by the Board in making recommendations to the Secretary of Energy, which is to ''ensure adequate protection of the public.'' The legislation proposes the Secretary or Administrator can perform a cost-benefit analysis to determine the need to provide adequate protection of the public. The Atomic Energy Act of 1954, as amended, has always been clear that the Secretary must provide adequate protection to the public and that cost is not an element of adequate protection. However, cost can be considered in determining the need for safety margin or defense in depth, i.e., additional protections beyond the need for adequate protection. The application of the ''as low as [reasonably] practicable'' standard is unclear. It has been used in British and European law as a modified cost-benefit analysis, but has no standing in U.S. law. It is also unclear why the public safety should be subjected to considerations by the Secretary or Administrator of whether risks are as low as [reasonably] practical.

The Board provides the only independent safety oversight at DOE's defense nuclear facilities. In addition, the Board has unique responsibilities under its statute to address ''severe or imminent'' threats to the public. I would now like to comment on Section 3202 of the bill: ''Improvements to the Defense Nuclear Facilities Safety Board.'' Let me say categorically that these are not improvements. I believe these provisions in the bill arise from a total misunderstanding of the operation of the Board. I feel strongly that these ''improvements'' to the Board's Enabling Statute will degrade nuclear safety at DOE's defense nuclear facilities. Let me once again detail my concerns.

To begin with, the Board is a collegial body composed of five members appointed by the President and confirmed by the Senate who are respected experts in the field of nuclear safety. Since the Board's inception nearly 23 years ago, every Board letter or recommendation has been voted on and approved by each and every Board Member. Those familiar with the scientific discipline will readily understand that this involves a great deal of respect and camaraderie among the Board members to enable them to unravel complex technical issues and forcefully act on safety concerns. One aspect of these bill's improvements is to allow Board members ''to employ at least one technical advisor.'' This is unnecessary on two counts. The first is that Board members have full access to all the Board's staff. Board members already have 80 technical advisors. The second is that Board members are technical experts who are able to independently weigh technical evidence and make decisions important to safety at DOE's defense nuclear facilities. A system of advisors will simply place an unnecessary burden on Board resources and create dissension.

A provision in Section 3202 requires that all Board members ''have full, simultaneous access to all information relating to the performance of the Board's functions, powers and mission.'' This provision is simply unworkable and argues against the public interest and trust. For example, the Technical Director must inform the Board Chairman about a serious accident at a defense nuclear facility, even if other Board members are not immediately available. The Board always strives to share all available information with all Board members. The Board members are always collectively briefed by DOE and Board staff, but Board members sometimes have conflicting schedules and aren't available for the ''simultaneous'' exchange of information . The origins of this provision suggest a serious lack of knowledge about the operation of the Board.

Under this legislation, the Board ''shall consider and specifically assess the technical and economic feasibility, the cost and benefits, and the practicability of implementing [its Recommendations].'' Under its existing statute, the Board must consider the technical and economic feasibility of implementing its recommended measures. The Secretary of Energy may ''accept'' a Board recommendation but make a determination that its implementation is impracticable because of budgetary considerations or because the implementation would affect the Secretary's ability to meet the annual nuclear weapons stockpile requirements. The Secretary must report any such decision to the President and Congress. The Secretary of Energy has never made a determination that a Board Recommendation cannot be implemented due to budget impracticability. I believe this is strong evidence that we have executed our statute in a faithful and responsible manner.

Issues of cost and benefit have historically been the purview of the Secretary of Energy and should remain so. It is important to note that the Board nominally identifies the problem, but leaves selection of the solution to the Secretary. In order to provide a cost-benefit analysis, the Board would need to define a solution, which is inappropriate and would hamper the Secretary's flexibilities to respond to a Board recommendation. Mr. Gene Aloise, Director of Natural Resources and Environment, U.S. Government Accountability Office, testified at the Committee's February 16, 2012, hearing on Governance, Oversight, and Management of the Nuclear Security Enterprise. He said, ''NNSA currently lacks the basic financial information on the total costs to operate and maintain its essential facilities and infrastructure, leaving it unable to identify return on investment or opportunities for cost savings.'' If NNSA isn't capable of performing cost-benefit analyses, it's unreasonable to expect the Board to produce valid estimates of those costs. Needless to say, the Board would require a significant increase in budget and manpower to perform any meaningful cost-benefit analysis.

The Board is very mindful of the need for efficient and cost-effective solutions to safety problems at defense nuclear facilities. In evaluating the proper course of action for existing facilities that do not meet modern industry standards and design requirements, both the Board and DOE consider the entire suite of options for mitigating hazards as well as factors such as the remaining life of the facilities, schedules for replacing them, and means to mitigate disruptions to ongoing operations that may result from recommended safety improvements. However, the Board has no authority to specify a particular solution; that authority is the Secretary's.

The proposed legislation also weakens the arm's length relationship between the Board and Department of Energy necessary for the Board to provide independent oversight by requiring the Board to obtain DOE review and comments on Board recommendations. This proposed requirement will enable the Secretary to provide comments to Board recommendations prior to their issuance. Board recommendations are fully vetted by intense staff-level discussions that typically take place over months and sometimes years. The Board shapes its recommendation already fully taking into account the feedback it has received from the Department. In the final analysis, the Secretary has the power to accept or reject a Board recommendation. This provision to require comments from the Secretary will delay needed safety improvements to ensure adequate protection of the public at DOE's defense nuclear facilities and erode public confidence that the Board is faithfully executing its mission to provide truly independent oversight.

Under its existing statute, the Board's jurisdiction is limited to the Department of Energy's defense nuclear facilities. ''Defense Nuclear Facilities'' are defined to include production or utilization facilities, and certain types of storage facilities under the control or jurisdiction of the Secretary of Energy. Unless this element is met, the Board's jurisdiction, authority, powers or duties are not triggered. It does not allow the Board to write Recommendations to the NNSA Administrator. Under this legislation, NNSA may become a separate entity. An NNSA independent from the Department of Energy, where the Secretary of Energy would have no authority over NNSA, would defeat (1) the Board's recommendation jurisdiction, (2) the Board's jurisdiction and duty to report to the President in the case of imminent or severe threats issuing from defense nuclear facilities, and (3) the Board's information gathering jurisdiction. Essentially, the NNSA would have no independent safety oversight body.

The Department of Energy has a well-established regulatory structure, with a significant body of rules, orders, manuals, and standards. These would have no standing in an independent NNSA. The set of safety standards to be used in NNSA would have to be reconstituted. Based on recent experience,

I am concerned that many standards necessary to safely perform complex, high-hazard nuclear operations would be automatically deleted as a part of standing up this newly independent organization. It must be understood that the Board evaluates safety at defense nuclear facilities based on DOE's requirements and standards. The Board does not have separate requirements. Lack of an adequate set of safety standards would rapidly degrade safety at defense nuclear facilities.

In summary, I am deeply concerned that the proposed legislation will diminish both the effectiveness of the Board and safety at DOE's defense nuclear facilities. The proposed changes, if enacted, would all but erase the Board's oversight independence and authority with respect to NNSA's facilities and activities. NNSA would become essentially self-regulating without any significant oversight from the Secretary of Energy, the Board, or any other Federal entity. Additional provisions in the legislation encourage the NNSA in large part to delegate its inherent responsibility to protect public and worker safety to its contractors.

If I can answer any question or provide additional insights, please don't hesitate to call. Once again, I appreciate the opportunity to provide my views on this legislation.

Sincerely,

PETER S. WINOKUR, Ph.D.,
Chairman,
Defense Nuclear Facilities Safety Board.

LABORERS INTERNATIONAL UNION
OF NORTH AMERICA,
Washington, DC, May 8, 2012.

Hon. ADAM SMITH,
Ranking Member, House Committee on Armed Services, Rayburn House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE SMITH: On behalf of the 500,000 members of the Laborers International Union of North America (LIUNA) I would like to express our opposition to the proposal that has been under consideration in the House Armed Services Committee that would seriously weaken worker safety & health protections at Department of Energy (DOE) nuclear weapons labs and production facilities. This provision would transfer worker safety & health responsibilities from the DOE's Office of Health, Safety and Security (HSS) to the National Nuclear Security Administration (NNSA) and shift these programs to ''performance-based'' oversight. This move would effectively eliminate current health and safety standards that impose fines and penalties for violations.

The safety & health of workers is one of LIUNA's highest priorities. As you know, the work our members perform at these facilities is, by its very nature, inherently dangerous and requires the highest possible level of care and protection. The current program, which this legislation would destroy, has been developed through years of collaborative work with successive Administrations and has been integrated into the work culture at the DOE facilities.

By requiring only ''performance standards'' instead of those that are currently in place, the legislation would substitute existing DOE standards with those of Occupational Safety and Health Administration (OSHA). Unfortunately, OSHA does not have standards that are appropriate for many DOE operations which could endanger our members. In some critical cases DOE's standards are much more stringent than OSHA, especially with respect to the standard for Beryllium. The existing DOE programs have been accepted by the workforce and are essential to a safe and productive workplace.

To disrupt the HSS safety & health program by transferring it to NNSA is an attack on the men and women who do the dangerous work at these facilities. These workers deserve more protections not less. I urge you to reject this ill advised change.

With kind regards, I am

Sincerely yours,

TERRY O'SULLIVAN,
General President.

Mr. BISHOP of Utah. I am pleased to yield 2½ minutes to the gentleman from Missouri (Mr. AKIN), the chairman of the Seapower Subcommittee of the House Armed Services Committee, a person who has worked very hard on this for his entire career here in the House.

Mr. AKIN. Madam Speaker, I rise in support of H.R. 4310, the National Defense Authorization Act of 2013.

As chairman of the Seapower Subcommittee, there are many aspects of this bill that are commendable. First of all, from a Navy point of view, we are maintaining the cadence of building two fast-attack boats every year. That has significant implications relative to our industrial base. Likewise, we are going to be building two destroyers a year, so we have made some changes to the President's budget there. We're also requiring that the Navy keeps at least 12 ballistic missile submarines that are an important leg of our triad.

I would also call attention to a couple of amendments that I have offered. The first is that we have worked with information that we've gotten from overseas on the evacuation procedures that are being done and the speed with which our sons and daughters are being picked up on the battlefield. There is nothing wrong with the great people who are working the medevacs. We are concerned with DOD policy, however—that that policy may be resulting in unnecessary delays.

Secondly, this bill contains an amendment that I offered to protect First Amendment rights of people in the service and chaplains, in particular. Unfortunately, it seems that this is against what the White House, many Democrats, and The New York Times all seem to want. The heart of the amendment is to say that if you are a chaplain, you are not going to be forced to perform ceremonies that you think are wrong. It protects what we call ''free speech,'' the First Amendment, and also the right of religious freedom. It does the same thing for our servicemembers.

And it seems ironic that there is opposition to affording First Amendment rights to our sons and daughters who are fighting for our First Amendment rights. So this seems like it should be very noncontroversial, allowing people to follow the dictates of their own conscience. But it seems to be meeting stiff resistance, nonetheless.

Lastly, I wanted to make sure that in this bill, we make absolutely clear that there's nothing in this bill which gets in the way of our habeas corpus rights in America and that no American citizen can be unlawfully detained, and that the right of habeas corpus, as a constitutional right, is in no way abridged by this bill.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. GARAMENDI).

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

Mr. GARAMENDI. This morning in California, in Marysville, a young soldier will be laid to rest, one of many. The most important issue facing this Nation—the Afghanistan war—continues on. We have 10 minutes to debate our view of how that should end.

Ranking Member SMITH proposed in committee an amendment that would rationally bring down and end this war. He was refused the opportunity—the ranking member, refused the opportunity to even be heard in committee.

And now we are faced with the language in the bill that extends this war indefinitely at a cost this year of $88 billion and at the same level interminably into the future. This deserves a robust debate. What is the role of America in Afghanistan? How long are we to continue there? Unfortunately, that debate is truncated and will be terminated by the majority in an unsuccessful way that extends the war. Why would we do that? Apparently for reasons that are not understood.

Mr. BISHOP of Utah. Madam Speaker, I urge the gentleman to read page 544 in the base bill to answer his question.

I am pleased to yield 1 minute to the gentleman from Illinois (Mr. WALSH).

Mr. WALSH of Illinois. Madam Speaker, I rise in support of the rule.

As a Small Business subcommittee chairman, I know how important small businesses are to the future of our great Nation. They are the engine of this economy and the key to pulling America out of this economic recession.

But, Madam Speaker, small businesses are also vital to our armed services. Over $500 billion in Federal contracts are awarded each year, and 70 percent of those dollars are awarded by the Department of Defense. It is vital for taxpayers and the military that small businesses compete for these contracts. Small business entrepreneurship will provide our brave servicemen and -women with the equipment that will best enable them to defend this country and our families.

It is clear that the Armed Services Committee shares this dedication to small businesses. I am proud that they have chosen to include the bipartisan Small Business Protection Act in the NDAA. The gentleman from Virginia (Mr. CONNOLLY) and I introduced the Small Business Protection Act to guarantee that American small businesses are not driven out of the competition for government contracts.

I cannot stress enough the vital role American small businesses play in the success of our military and the future

of our country. It is imperative that my colleagues on both sides of the aisle come together and support American entrepreneurship and small business.

□ 1340

Mr. MCGOVERN. I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman.

There's one agency of the Federal Government that has never been audited—and is unauditable. It happens to be the Department of Defense.

Last year, Representative GARRETT and I snuck up on them with a little amendment in the appropriations bill to require an audit of the Pentagon. It's not too much to ask when they spend $600 billion a year, none of which they can meaningfully account for according to the GAO. They can't reconcile their books. It was stripped out in the conference committee. Senator AYOTTE from New Hampshire got one in the authorization bill. It was stripped out in the conference committee.

Now this time they're acting proactively. They're prohibiting us from bringing an amendment to the floor of the House that would require—and we're letting up on them a little bit—that 3 years from now the Department of Defense—that's $1.8 trillion from now—should have to pass an audit. And they're saying no, no, no, no. They can't be required to do an audit until they spend $3.6 trillion in the year 2017.

This is an abuse of the American taxpayer and an abuse of our servicemen and -women. The waste that goes on at the Pentagon has to stop. We need a meaningful audit.

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

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Well-known as ''Military City,'' San Antonio has accomplished a traumatic but successful conversion of Kelly and Brooks Air Force Bases. Now the Pentagon is recommending that we have another round of closures. Let's first guarantee that we apply the same rigorous base review standards to military facilities outside the United States as would apply inside the United States.

Today, I offer an amendment acceptable to the committee, similar to the approach recommended by Senators TESTER and HUTCHISON that requires the Department of Defense to thoroughly examine the potential benefits and savings realized by closing outdated or excess overseas military bases. Both the Government Accountability Office and Congressional Budget Office say that maintaining these facilities overseas is far more expensive than our stateside operations. So while many of the 585 military bases that we have around the world may be necessary, let's ensure that the Department thoroughly scrutinizes each of them and verifies that each is essential to our national defense. This was not done adequately in the last round.

I urge my colleagues to support this amendment, and ensure that the Pentagon carefully considers the cost of these overseas installations.

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

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman.

It is a failure when Congress will not allow debate on the most important issue in this bill, and that is the policy in Afghanistan.

Congress has been failing the American people. We haven't paid for that war. We haven't even debated how to pay for that war. It's been on the credit card for 10 years—over a trillion dollars. And by refusing to allow us to debate the McGovern amendment, which is about the policy, we now won't even debate the policy. So we don't pay for it and we don't even debate the wisdom of the policy. That's a grave mistake.

The reality is the war in Afghanistan is over. It's time for Congress to end it. The President has set a date: 2014. What's magic about that?

The Afghans have to step up and assume responsibility for their future, and we have to have a debate as to whether or not we should bring those troops home sooner than 2014. We owe it to the American taxpayer; we owe it to the American men and women who are serving, and we owe it to our own responsibility to debate the important public issues of our time.

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

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. To start the war in Iraq, Congress was lied to. To start the war in Afghanistan, Congress was misled. To start the war in Libya, Congress was ignored. To start the war in Iran, language has been hidden in the NDAA.

The NDAA prepares for war against Iran. It is a declaration of policy, which includes military action. It has a plan to pre-position aircraft, munitions, and fuel for air- and sea-based mission. It has a plan for maintaining sufficient naval assets in the region to launch a sustained sea and air campaign against a range of Iranian nuclear and military targets. This bill prepares for war.

Some will say, Well, it doesn't authorize for war. This bill prepares for war. Even if it's amended, it prepares for war. And we need to vote this bill down because it prepares for a war with Iran, which would be devastating to this country's interests.

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

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Lodged in between our commemoration of Memorial Day and our fallen loved ones and heroes and Flag Day, which we stand proudly to wave the flag, I really stand here as a friend that is deeply saddened by something that I think has never occurred, and that is to allow Americans, through the McGovern-Smith amendment, to really speak to all of our Members.

And I think America would agree: None of us should be challenged with our patriotism. But if we raise the question of what are the next steps in Afghanistan, it is not a diminishing of the service of our men and women. It is not the eliminating of our responsibility to be able to assure the safety and security of the Afghan people. It is to allow Members of Congress to represent their constituents on both sides of the aisle to raise the question: What are the next steps and how will we bring our troops home safely?

This amendment should be allowed to be discussed, just as we're discussing the potential removal and where we are eliminating the language and the ability to remove citizens and to hold them indefinitely.

It is the American way, Madam Speaker. I beg of us to do this in a bipartisan way and to allow the McGovern-Smith amendment to go forward.

Madam Speaker, I rise to support my amendment to H.R. 4310 ''National Defense Authorization Act,'' which would require the Secretary of Defense prior to the awarding of defense contract to private contractors, to conduct an assessment to determine whether or not the Department of Defense has carried out sufficient outreach programs to include minority and women-owned small business.

Throughout my tenure in Congress, I have sponsored legislation that promotes diversity. I stand proudly before you today to call for renewed vigor in advocating and constructing effective policies that will make the United States the most talented, diverse, effective, and powerful workforce in an increasingly globalized economy.

This amendment will require the Department of Defense to consider the impact that changes to outsourcing guidelines will have on small minority and women owned business by requiring them to engage with these businesses.

Promoting diversity is more than just an idea it requires an understanding that there is a need to have a process that will ensure the inclusion of minorities and women in all areas of American life.

Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

Small business growth means economic growth for the nation. But to keep this segment of our economy thriving, entrepreneurs need access to loans. Through loans, small business owners can expand their businesses, hire more workers and provide more goods and services.

The Small Business Administration, SBA, a federal organization that aids small businesses

with loan and development programs, is a key provider of support to small businesses. The SBA's main loan program accounts for 30 percent of all long-term small business borrowing in America.

I have worked hard to help small business owners to fully realize their potential. That is why I support entrepreneurial development programs, including the Small Business Development Center and Women's Business Center programs.

These initiatives provide counseling in a variety of critical areas, including business plan development, finance, and marketing.

My amendment would require the Department of Defense to assess whether their outreach programs are sufficient prior to awarding contracts. The Department of Defense should investigate what impact their regulations have on minority and women owned small businesses.

Outreach is key to developing healthy and diverse small businesses.

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

Mr. MCGOVERN. Madam Speaker, it is my privilege to yield 1 minute to the gentlewoman from California, the Democratic leader, Ms. PELOSI.

Ms. PELOSI. I thank the gentleman for yielding, and I thank him for his leadership year in and year out to clarify what our mission is and to make sure that we honor our troops—and ''honor them'' means not having them stay in harm's way any longer than is necessary for our national security.

Madam Speaker, I rise today in opposition to this rule, and I do so with some level of sadness; because when we're talking about the defense of our country and the oath we take to protect and defend the Constitution, I would have hoped, under this bill, we could have had, on the floor, the appropriate discussion of what is happening in Afghanistan.

I rise today, just having returned with a bipartisan, all-women congressional delegation to Afghanistan. It's our traditional Mother's Day visit to our troops who are there in combat. We've recently been going to Afghanistan, and Iraq before that. The purpose of the trip this time was to have a conversation with the President of Afghanistan, President Karzai, as the first congressional delegation into Afghanistan following the signing of the Strategic Partnership Agreement between President Obama and President Karzai.

But our main purpose of the trip was to visit our troops and to thank them for their service and their sacrifice to keep America's families safe on Mother's Day and every day in the year. The further purpose was to thank, in particular, our women who are in service there—other mothers in combat and, believe it or not, our grandmothers who are in the war zone.

We met a Mom who has a baby that is just 16 weeks old. I had the honor of pinning a ribbon on a newly appointed woman captain who has six children, age 4 to 14, in the 10th month of her 1-year deployment in Afghanistan.

Our women in the military serve our country very well. They strengthen our national security. We are grateful to them and their families, and we are grateful to all of our men and women in uniform.

□ 1350

They are the 1 percent that we should care the most about and focus on. You hear a great deal about the 99 percent and the 1 percent. Well, this 1 percent is less than 1 percent of our men and women in uniform, a little higher than that, when they come home. What we say in the military is on the battlefield, we leave no soldier behind. And when they come home, leave no veteran behind. We will be meeting with our veteran service organizations today as this bill is being debated.

So I wish that the rule would have allowed for the consideration of the McGovern amendment. I was surprised, frankly; and I'm rarely surprised around here. But I was surprised that that discussion could not take place on this floor in the form of approving that amendment because it is in furtherance of what is happening in the strategic partnership.

I can tell you this on the basis of our trip, and we have to be careful when we return as congressional delegations from a trip that we don't read too much into our own observations, but what we did hear that was different from before, going every year, is that our troops' leadership is fabulous. General Allen is so great, as are the other generals and commanders who serve with him. They are preparing for the timetable spelled out in the President's strategic partnership agreement signed by the two Presidents.

On the civilian front and what we are doing with USAID and our Americans who are serving there, as well as the coalition forces and friends who are helping in Afghanistan, are working along the path of this strategic partnership, and then the civilian part to go beyond that.

So, really, I come home more encouraged than ever that it is possible for us to accomplish our mission, which is the protection of the American people, to do so in a way as it comes to an end. And it is never over, our protection of the American people is an endless commitment, but at least the commitment of that many troops on the ground in that country is one that we can say that soon we will bring our troops home safely. And that hopefully will be soon.

So the timetable that Mr. MCGOVERN has in his amendment is in sync with what that partnership is. There is other language in the bill which I think, frankly, confuses the issue; and that is why the clarity of debate would have been helpful.

I am glad that the amendment by Mr. SMITH, the ranking member, which is a bipartisan amendment, will be able to come to the floor. It addresses the detention issue, and we will have a fuller discussion of that when that amendment comes to the floor. But to recall, President Obama, when he signed last year's bill, did a signing statement that said that he would not enforce that part of the bill. Hopefully, today, we can remove that part of the bill because it flies in the face of our commitment to protect the American people and to have the proper balance between security and liberty and freedom. And that is our responsibility.

So I urge my colleagues to vote ''no'' on this rule, to vote ''no'' on moving the previous question unless we can take up the McGovern amendment. And, again, I salute the President for the strategic partnership agreement. But most of all, I support our men and women in uniform and their families for their service, their sacrifice, and their patriotism for our country.

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

Mr. MCGOVERN. Madam Speaker, may I inquire of the gentleman from Utah how many more speakers he has because I'm the final speaker on our side.

Mr. BISHOP of Utah. I said others were coming down here. I do not know whether that happens, so when the gentleman from Massachusetts is ready to close, I will be ready to close at whatever time that is.

Mr. MCGOVERN. Madam Speaker, I yield myself the balance of my time to close.

I urge my colleagues to vote ''no'' on the previous question. If the previous question is defeated, I will offer the bipartisan McGovern-Jones-Smith-Paul amendment.

By denying debate on this amendment, the Republican leadership has ensured that there will be no debate or challenge to sec. 1216 in the bill, a section that calls for retaining 68,000 U.S. troops in Afghanistan until 2015 and indefinitely beyond that.

We did everything right with this amendment. We worked in a bipartisan way. We drafted it carefully. The ranking member of the House Armed Services Committee withdrew his own amendment on this issue and joined as a cosponsor of this amendment. We deserved the courtesy of a debate and a vote. It's the right thing to do. It's the decent thing to do.

But more important than that, the American people deserve a full and substantive debate on the war in Afghanistan, the longest war in American history. They deserve to know where their Member of Congress stands on this issue of critical national importance. They deserve a Congress that focuses on the issues that matter most.

The Republican leadership's refusal to allow a full debate on our amendment shows how far they will go to make sure that a policy of staying in Afghanistan until the end of time remains untouched and unchallenged.

Madam Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with

extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Mr. MCGOVERN. Madam Speaker, I urge my colleagues to vote ''no'' and defeat the previous question. I urge my Republican colleagues to join with us in a bipartisan way to vote ''no'' on the previous question so we can have a real debate on Afghanistan. That's what your constituents want; that's what we should have here. And barring that, Madam Speaker, I urge a ''no'' vote on the rule, and I yield back the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I appreciate the opportunity of coming down here and presenting the particular rule on the amendments. I take a little bit of umbrage with the idea that the amendment process that we are authorizing in this rule is not necessarily fair. I would remind people that it took 3 years under the prior Speaker before they authorized as many amendments as we are authorizing just this year alone in this particular bill. It's 141 amendments covering a vast variety of issues.

Sometimes I get the impression from some of the comments that were made that we're not going to be talking about Afghanistan; that's sorely wrong. There is an amendment made in order about that issue. It's given twice the amount of time on that issue as any other issue that's before us here. It is there. The debate will take place. The debate will happen. It may not be the actual verbiage or the pride of authorship that some wished, but it will be there.

Indeed, in this hour of discussion, we've talked about that as well, as was done in the Rules Committee, as was done in the base committee. There is a section, page 544, which does talk about the President's proposal in Afghanistan.

One of the things we have to remember is why we're doing this bill at all. This is one of those significant issues. We talk about a lot of stuff on the floor of the House, and we introduce a lot of bills on the floor of the House which have very little to do with our core constitutional responsibilities. This is not one of those.

During the Articles of Confederation time, the United States was in a situation where we had fewer than 800 men in our military capacity. We had no Navy to protect our shipping. Since we had not paid off the Tory debt, we were in breach of the peace treaty that ended the Revolutionary War. Therefore, British troops were on American soil. There were British forts on American soil. There was a military force on our northern border which was threatening us, and the British were plying with impunity weapons to Native Americans who were opposed to the Government of the United States. What the United States could do about it was absolutely nothing. We couldn't do squat.

Therefore, when the Constitution was actually debated, I don't think it is any insignificant issue that over half of the issues and powers granted to Congress in section 8 dealt with the defense of this country. Indeed, the Constitution was in major part about how we defend this country.

This issue before us today, this bill, is on how we shape the military of the future and the military of the present, how we defend this country.

I would remind people that before World War II started, we had made a decision in this country we didn't need fighter jets any more and so we cut production of them. And when the war started, we were unprepared. Our fighter bombers suffered enormous casualties in those first runs in Europe. In fact, we suspended our bombing runs until we could produce the fighters to accompany those bombers that were necessary to protect our young men and women who were fighting in World War II.

We don't have the luxury of being unprepared in the future, and that is the core of this bill. This bill is about talking about the infrastructure that we have for our military so we are prepared for whatever the future may bring.

□ 1400

The base of this bill restores approximately $4 billion in authorization of necessary Department funding that was recommended by the President for deletion.

Sometime ago, Secretary Panetta went on the record publicly saying the possibility of sequestration would hollow out and have catastrophic impacts on the Department of Defense; it must be avoided. We agree. This bill attempts to do that.

Unfortunately, the Secretary pointed the finger at Congress saying that we were to blame for this situation. In all due respect, the Secretary was half right. We share in the situation. And we share the need for a cooperative administration—and very particularly, a cooperative President and Commander in Chief—to fix the immediate threat to our national security that could come back by sequestration. We don't need threats of vetoes and any attempt to roll back the sequestration cuts to the Department of Defense.

This is an alarming situation. Many of us in Congress would encourage Secretary Panetta to communicate the urgency of this need to his boss, the President, and try to persuade him not to oppose what we are attempting to do in this particular piece of legislation.

We have some military construction replacement projects that were needed yesterday and are being deferred year after year—pushed so far into the future as to render them meaningless. We can no longer make those kinds of mistakes as we did prior to World War II.

Our ICBM fleet will be aging out in the next 12 to 15 years; and as of yet we do not have an adequate replacement policy, nor have we provided the research and development funding needed to a follow-up replacement system. Instead, we are urging what will amount to unilateral nuclear reductions on our part, while China, Russia, India, and others are developing and fielding new and modernized ICBM nuclear systems for their countries as well. Those are the situations which we need to face. That is what is significant. That's what this bill addresses.

This bill addresses the funding and infrastructure needs of our military, and we should never lose sight of that core reason for this bill. And amendments—all 141 of them—either have to add to that concept of making the infrastructure viable, or we're talking about tangents. This is not the avenue for those particular places to be.

In short—I wasn't short, but in long, then, Madam Speaker, that's the purpose of the National Defense Authorization Act. That's what the base bill does. That's what the bulk of the 140 amendments we have authorized do. We need to proceed without getting lost in the purpose and the intent of this particular process and why it is so important. It is our core constitutional responsibility, and we need to take it seriously.

All the other issues that were talked about will be addressed. The issue of our policy in Afghanistan—which has multiple opportunities to be addressed—will be addressed on the floor. There will be an amendment made in order. There will be twice the amount of time in debate on that as any of the other significant issues of how we shape our military forces. The reason it is so significant is because we're not talking about what the military will be in the month of August of this year. The decisions we make on the infrastructure of the military today influence what our military will be in 15 to 20 years. It also influences what diplomatic capacities and opportunities we may have 15 or 20 years from now. That's why it is so significant. We cannot lose track of what is the purpose of this bill, and any amendment that distracts us from that is not productive in what we are trying to do.

I'll say this one more time: this is a fair rule. We have made 140 of the 240 amendments that were proposed in order. It covers a great variety of issues, issues that perhaps should have been covered in the committee as well, but they will be covered again here on the floor, including what we are doing as a policy in Afghanistan.

I urge adoption of this particular rule because it is a fair rule, one that makes more amendments than we did in years—and in years past when the other side was in charge of this. It's a good bill. It's a fair rule. I urge its adoption.

Mr. ANDREWS. Madam Speaker, I hereby submit the enclosed letters:

BUILDING AND CONSTRUCTION
TRADES DEPARTMENT—AFL–CIO
Washington, DC, May 4, 2012.

Rep. HOWARD P. ''BUCK'' MCKEON,
Chairman, House Committee on Armed Services, Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: The House Armed Services Committee has adopted legislation that would seriously weaken worker safety & health protections at Department of Energy (DOE) nuclear weapons complex. The legislation would not only transfer worker safety & health responsibilities from the DOE's Office of Health, Safety and Security (HSS) to the National Nuclear Security Administration (NNSA), but would also shift the entire safety & health program to ''performance-based'' oversight thereby effectively eliminating current health and safety standards that impose fines and penalties for violations. This would be a terrible mistake and we are strongly opposed to any such tinkering with the lives of our many members working at these facilities.

For years the BCTD has made the safety & health of these workers one of our highest priorities. We have worked with successive Administrations to develop the current program that the proposed legislation would now effectively destroy. As you might imagine the work that our members perform at these facilities is, by its very nature, inherently dangerous and requires the highest possible level of care and protection.

According to a recent report by the Project on Government Oversight; unlike the private sector, nuclear weapons facilities are ultra-hazardous, have very large radioactive waste legacies, excess cancer and beryllium disease among its employees, a long history of safety problems, and contractor mismanagement enabled by self-regulation. For more than 20 years, the Government Accountability Office (GAO) has listed DOE's nuclear weapons program on its high risk list of programs most vulnerable to waste, fraud and abuse.

By eliminating the role of the DOE's HSS for oversight and enforcement of safety & health and requiring only performance standards, the legislation would substitute existing DOE standards with those of OSHA. In some critical cases DOE's standards are more stringent than OSHA especially with respect to the standard for Beryllium that this change would eliminate. DOE's Beryllium worker exposure standard is 10 times as protective as federal OSHA's. The legislation would now turn over Beryllium protection to the tender mercies of the National Laboratories and other DOE contractors even though, in 2010, DOE fined the Livermore Lab (LLNL) some $200,000 for a series of Beryllium violations.

Moreover, the bill eliminates the ALARA radiation exposure standard (As Low As (is) Reasonably Achievable) and reverts back to a worker radiation concept used 40 years ago called ALARP (As Low As Reasonably Practicable); a time when workers were exposed to outrageous levels of radiation. This is completely unacceptable, and our members at the weapons facilities will simply not stand for it.

Since its creation, we have worked closely with HSS in developing its worker safety & health program including the Chronic Beryllium Disease Prevention Program and ALARA radiation exposure standard that have been integrated into the work culture at the DOE facilities. These programs have been accepted by the workforce and are essential to a safe and more productive workplace.

To now seek to disrupt the HSS safety & health program by transferring it to NNSA and weakening the current standards of protection makes no sense. Other than to satisfy the demands of the National Laboratories and contractors, there is little or no justification for this proposal and we appeal to you to stop it. The health, safety and lives of the men and women who do the dangerous work at these facilities demand no less.

Sincerely,

SEAN MCGARVEY,
President.

METAL TRADES DEPARTMENT,
AFL–CIO,
Washington, DC, May 3, 2012.

Representative ADAM SMITH,
Ranking Member, House Committee on Armed Services, Rayburn House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE SMITH: The House Armed Services Committee has recently proposed legislation that would seriously weaken worker safety and health protections at Department of Energy (DOE) nuclear weapons complex.

The legislation proposes to transfer worker safety and health responsibilities from the DOE's Office of Health, Safety and Security (HSS) to the National Nuclear Security Administration (NNSA) and would also shift the entire safety and health program to ''performance-based'' oversight thereby effectively eliminating current health and safety standards that impose fines and penalties for violations.

The House bill limits the occupational safety and health standards that may be applied to the NNSA facilities to those promulgated under section 6 of the OSHAct. This not only excludes stronger protections afforded by DOE rules, it also excludes protections provided under OSHA regulations issued under section 8 of the OSHAct. These regulations include the OSHA 1904 record-keeping rules, the 1977 regulations on anti-retaliation and the 1903 inspection rules which set out the rights of workers and unions to participate in inspections.

We are strongly opposed to these changes. It would endanger the lives of the many members we have working at these facilities.

For years, the Metal Trades Department has made the safety and health of our nuclear workers a top priority. As you might imagine the work that our members perform at these facilities is, by its very nature, inherently dangerous and requires the highest possible level of care and protection and it has taken us years of work with past Administrations to develop the current safety and health program that this legislation would destroy.

According to a recent report by the Project on Government Oversight, unlike the private sector, nuclear weapons facilities are ultra-hazardous, have very large radioactive waste legacies, excess cancer and beryllium disease among its employees, a long history of safety problems, and contractor mismanagement enabled by self-regulation. For more than 20 years, the Government Accountability Office (GAO) has listed DOE's nuclear weapons program on its high-risk list of programs most vulnerable to waste, fraud and abuse.

By eliminating the role of the DOE's HSS for oversight and enforcement of safety and health and requiring only performance standards, the legislation would substitute existing DOE standards with those of OSHA. In critical cases, DOE's standards are more stringent than OSHA especially with respect to the standard for Beryllium that this change would eliminate. DOE's Beryllium worker exposure standard is 10 times as protective as federal OSHA's. The legislation would now turn over Beryllium protection to the tender mercies of the National Laboratories even though, in 2010, DOE fined the Livermore Lab (LLNL) $200,000 for a series of Beryllium violations including:

Failure to identify and inventory beryllium contamination facilities to control worker exposures to beryllium;

Failure to perform hazard assessments for buildings identified in the beryllium baseline inventory;

Failure to implement proper hazard control and prevention measures to eliminate or abate the hazards associated beryllium;

Failure to ensure that potential airborne beryllium exposures were accurately measured;

Failure to control materials and equipment located in beryllium contaminated work areas;

Failure to evaluate cases of beryllium sensitization and to identify workgroups at increased risk of chronic beryllium disease; and,

Failure to effectively train employees to perform work within beryllium contaminated areas.

Since its creation, we have worked closely with HSS in developing its worker safety and health program including the Chronic Beryllium Disease Prevention Program that have been integrated into the work culture at the DOE facilities. These programs have been accepted by the workforce and are essential to a safe and more productive workplace.

Transferring the current safety and health program to NNSA is a terrible decision and it's unjustified. The health, safety and lives of the men and women who do the dangerous work at these facilities depend on you to stop this proposal.

Sincerely

RONALD E. AULT,
President.

THE NATIONAL TREASURY
EMPLOYEES UNION,
Washington, DC, May 15, 2012.

DEAR REPRESENTATIVE: The National Treasury Employees Union (NTEU) represents employees at the Department of Energy (DOE) including those in the Office of Health, Safety and Security (HSS) that enforce health and safety rules at DOE nuclear weapons facilities. NTEU is strongly opposed to a provision negatively impacting worker health and safety at these facilities included in Title XXXI of the National Defense Authorization Act as reported by the House Armed Services Committee. We understand that an amendment has been filed by Representative George Miller to modify that section. We ask that the Miller Amendment be made in order by the Rules Committee.

Section 3113 and 3115 of Title XXXI in the bill would severely weaken worker health and safety protection at DOE nuclear weapons facilities. It would transfer worker safety and health responsibilities from DOE's Office of Health, Safety and Security (HSS) to the National Nuclear Security Administration, while eliminating the current standards that impose fines and penalties for violations. The work done at these facilities is extremely hazardous and there is a long history of safety problems. Given this work involves the most dangerous substances and weapons in the world, it is probably the last workplace that should see reduced health and safety standards and inspections.

The employees of the Office of Health, Safety and Security are uniquely skilled, trained and experienced at protecting worker life and health at these facilities. Transferring their functions to bureaus without such experience or expertise would be a reckless act and endanger those employees that serve our country's defense in these facilities.

I appreciate your consideration of our views on this important worker health and safety issue. If you or your staff have any

further questions, please feel free to contact Kurt Vorndran at 202.572.5560 or kurt.vorndran@nteu.org. Thank you.

Sincerely,

COLLEEN M. KELLEY,
National President.

Ms. WOOLSEY. Madam Speaker, I hereby submit the enclosed letters:

PROJECT ON
GOVERNMENT OVERSIGHT,
Washington, DC, May 15, 2012.

HONORABLE MEMBERS,
U.S. House of Representatives, Washington, DC.

POGO'S PICKS FOR MORE SAVINGS, SECURITY, AND ACCOUNTABILITY IN THE NATIONAL DEFENSE AUTHORIZATION ACT: NINE AMENDMENTS TO SUPPORT

DEAR REPRESENTATIVE: As you prepare to vote on the National Defense Authorization Act of FY 2013 (NDAA) and dozens of proposed amendments, we recommend nine amendments for more savings, security, and accountability.

The Project On Government Oversight is a nonpartisan independent watchdog that champions good government reforms. POGO's investigations into corruption, misconduct, and conflicts of interest achieve a more effective, accountable, open, and ethical federal government. POGO recently released an update to our recommendations for national security savings with Taxpayers for Common Sense—Spending Even Less, Spending Even Smarter—which includes $700 billion in spending reductions. Some of those recommendations are being offered as amendments to the NDAA.

We haven't assessed all of the proposed NDAA amendments, and don't yet know which ones will be made in order. However, POGO strongly supports the following sensible measures.

1. PREVENT HUMAN TRAFFICKING BY GOVERNMENT CONTRACTORS—AMENDMENT BY JAMES LANKFORD AND GERRY CONNOLLY

The End Trafficking in Government Contracting Act of 2012 is offered as a bipartisan amendment to stop U.S. taxpayer dollars from funding the abhorrent practice of human trafficking in war zones. In its final report to Congress last year, the Commission on Wartime Contracting said it had uncovered evidence of human trafficking in Iraq and Afghanistan by labor brokers and subcontractors. Commissioner Dov Zakheim later told a Senate panel that the Commission had only scratched the surface of the problem. He called it the ''tip of the iceberg.'' Existing contracting regulations to implement anti-trafficking plans are too weak. This amendment will strengthen the law and will require companies to closely monitor and report the activities of their subcontractors down the supply chain. It also would expand the definition of ''fraudulent recruiting'' to apply to laborers who work on U.S. government contracts outside the U.S., mandating responsible labor recruitment practices. It's time to end the suffering and abuses of our taxpayer-funded ''shadow army.''

2. RESTRICT TAXPAYER-FUNDED COMPENSATION FOR CONTRACTORS—AMENDMENT BY PAUL TONKO AND JACKIE SPEIER

This amendment is based on the Stop Excessive Payments to Government Contractors Act of 2011—part of a bipartisan, bicameral push for reform—and would lower the existing contractor compensation cap to $400,000 and apply it to all defense contractors. Importantly, the provision would also ensure that the cap is set in such a way that it will stop the exorbitant growth rate the current formula has enabled. Taxpayer-funded contractor compensation should be reined in from the ever-increasing cap that currently well exceeds what the government pays its own senior executives—including the President. The current cap for contractor compensation is $763,029. It's time to stop making taxpayers foot outrageous contractor payrolls and rein in the growing cost of the entire government workforce.

3. REDUCE FUNDING FOR THE CHEMISTRY AND METALLURGY RESEARCH REPLACEMENT-NUCLEAR FACILITY—AMENDMENT BY ED MARKEY, LORETTA SANCHEZ, AND HANK JOHNSON

This amendment restores the cut already made by appropriators for a costly and unnecessary plutonium research facility. It also strikes sections from H.R. 4310 that would require the completion of the proposed facility and forbid Congress from funding less expensive alternatives. The cost of this nuclear boondoggle—known as the Chemistry and Metallurgy Research Replacement-Nuclear Facility (CMRR–NF)—has swelled from $375 million to nearly $6 billion over the past ten years. Earlier this year, the National Nuclear Security Administration (NNSA) said it does not need CMRR–NF in order to fulfill its nuclear weapons and science missions. What's more, there is plentiful scientific evidence and expert testimony that says that the increased plutonium pit production enabled by CMRR–NF is not necessary to national security. The President's budget and House Appropriations have already zeroed-out the funding, but one member of House Armed Services—Representative Michael Turner—has ignored the evidence and sought to send more taxpayer dollars into this nuclear money pit. Support this amendment to restore sensible savings.

4. DELAY THE NEW LONG-RANGE PENETRATING BOMBER AIRCRAFT—AMENDMENT BY ED MARKEY, PETER WELCH, AND JOHN CONYERS

This amendment delays development of the next-generation long-range penetrating bomber aircraft through FY 2023 and reduces funds for the program by about $291 million. The Administration initially cancelled the program in FY 2010 as there was ''no urgent need'' for a new bomber because the Air Force expects its fleet of bombers to be operational for years to come. According to FY 2013 budget requests, the program is projected to cost at least $6.3 billion in the next five years alone, and would likely cost billions more over its lifetime. Deferring development of this costly and unnecessary system saves money and is low-risk because of robust U.S. bomb delivery capabilities that will be available for decades.

5. STOP THE ROLLBACK OF OVERSIGHT OF NUCLEAR WEAPONS LABORATORIES—AMENDMENT BY GEORGE MILLER, PETER VISCLOSKY, AND LORETTA SANCHEZ

This amendment would restore oversight over the nuclear weapons laboratories by modifying Section 3113 and striking Sections 3115 and 3202 of H.R. 4310. These sections pose dangerous rollbacks of health, safety, security, and financial oversight at the Department of Energy's nuclear weapons laboratories. Section 3113 gives the NNSA's contractor-operated labs the ability to self-report and self-regulate their performance, despite the fact that the Government Accountability Office (GAO) has included these labs on its list of programs that are at ''high risk'' for waste, fraud, and abuse for over 20 years. Section 3115 lowers the bar for health and safety standards at the labs by shifting oversight from the Department of Energy to the NNSA and its contractors. Section 3202 would weaken the Defense Nuclear Facilities Safety Board in its role as independent adviser to the nuclear weapons laboratories. Ever since the Board was created in reaction to serious safety issues at nuclear sites, the Department of Energy has been required to accept Board recommendations or give a reason for their rejection, but section 3202 requires the Board to submit drafts of its recommendations to the Department first, which would strip the Board of its complete independence. Section 3202 also increases the amount of time the Department has to respond to recommendations, which could undermine public health and safety. We need more oversight of the contractors at our nuclear laboratories—not less.

6. REPLACE THE COSTLY VARIANT OF THE F–35 WITH SUPER HORNETS—AMENDMENT BY JOHN CONYERS AND KEITH ELLISON

The Marine Corps' variant of the F–35 fighter plane is the most expensive variant of the most expensive DoD weapon program ever, and has been plagued by cost overruns and schedule delays. This amendment would replace the 6 Marine Corps F–35s the DoD plans to buy in FY 2013 with proven F/A–18E/F Super Hornets, which have many capabilities that rival the F–35 and cost far less to buy and operate. This amendment will save taxpayers $1.7 billion in FY 2013 and millions more in operating costs over the life of these planes.

7. IMPROVE SERVICE CONTRACTOR INVENTORIES—AMENDMENT BY JACKIE SPEIER

Currently, service contract inventories released by the Pentagon provide little, if any, useful data about service contracts. Moreover, those inventories do not provide the agency with any information that allows it to make informed personnel decisions that will save taxpayer dollars. The offered amendment, which falls in line with Pentagon efforts to increase the data reported in the inventories, would require DoD to collect additional data about the labor, hours, and costs of service contract workers that can be used for comparing the cost of the civilian, military, and contractor workforces.

8. REDEFINE ''COMMERCIAL ITEM'' FOR CONTRACTS AS PROPOSED BY DOD—AMENDMENT BY LEONARD BOSWELL

This amendment mirrors the DoD's legislative proposal and would result in improved oversight of billions of dollars' worth of so-called ''commercial'' goods and services. It would narrow the definition of a ''commercial item'' to mean goods or services that are actually sold to the general public in like quantities. This would be a huge improvement over the current definition, which includes good or services ''of a type'' that are ''offered'' for sale or lease. POGO has promoted such a change to the definition since 1999, and now have been joined by DoD, the Department of Defense Panel on Contracting Integrity, and the Acquisition Advisory Panel. Since the mid-1990s, the government has been buying so-called ''commercial'' goods and services that are not actually sold in the commercial market. Making matters worse, these purchases are often without any government review of the cost data that leads to the final price the contractors are proposing. Would you buy a car if the dealer told you that you couldn't see the window sticker? We doubt it, and the government shouldn't either.

9. RIGHT-SIZE THE BLOATED TOP RANKS—AMENDMENT BY MIKE COFFMAN

This amendment would cap the number of General/Flag Officers at ''0.05 percent of the combined authorized strengths for active duty personnel.'' In other words, for every 2,000 troops there can be no more than one General or Admiral. This amendment will reduce the General and Flag Officer ranks by less than 5 percent. At the end of FY 2011, the military was more top-heavy than it had ever been in U.S. history. While the enlisted ranks have been shrinking, the top ranks

have grown. Since 2001, the very top ranks, 3- and 4-star General/Flag Officers, have grown faster than any other personnel group at the DoD. It's time to right-size the top-heavy top ranks.

We welcome the opportunity to discuss these and other national security issues with you. For more information, please contact me at 202–347–1122 or acanterbury@pogo.org.

Sincerely,

ANGELA CANTERBURY,
Director of Public Policy.

Ms. FUDGE. Madam Speaker, I hereby submit the enclosed letter:

PITTSBURGH, PA, MAY 8, 2012.

Hon. HOWARD P. ''BUCK'' MCKEON,
Chairman, Armed Services Committee, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MCKEON: On behalf of the United Steelworkers (USW) union, I write to express our strong concern with language included in the House Armed Services Committee's FY13 National Defense Authorization Bill (NDAA). As we understand it, the language will necessitate a change of worker health and safety enforcement at Department of Energy (DOE) weapons complex sites from the DOE's office of Health, Safety and Security (HSS) to the National Nuclear Security Administration (NNSA). In addition, this legislation would shift the entire safety and health structure to performance-based oversight based on Occupational Safety and Health Administration (OSHA) standards. Performance-based oversight effectively eliminates the current DOE specific health and safety standards that provide the means for protections to be implemented at these facilities and also removes the enforcement mechanisms that are vital to ensure worker and public safety.

The USW represents workers at several DOE facilities. Our members at these sites are exposed to a variety of radioactive and toxic materials. Many of the operations of these facilities are completely unique to the DOE. These unique hazards have resulted in specific worker safety orders being issued to provide requirements for the contractors to follow, and for the workers to understand proper workplace protections.

Some of the protections that will be stripped from workers are those included in DOE Order 850. DOE Order 850 provides specific worker protections for exposure to beryllium. Beryllium is an extremely toxic and dangerous compound. It causes a devastating lung disorder called chronic beryllium disease. The DOE Order is significantly better than the current standard for beryllium from OSHA including an exposure limit that is 10 times less than OSHA's. The OSHA standard for beryllium was adopted in 1970; the beryllium industry itself acknowledges that it is woefully inadequate. In contrast, the DOE beryllium standard is far more protective. Another example is the DOE's Order 851, which requires the sites to have defined, proactive safety and health programs. There is no equivalent OSHA rule. Most important, the DOE can order a contractor to correct a hazard immediately. OSHA can do so only in the most extreme cases. An employer who contests an OSHA citation can delay abatement until he or she exhausts every appeal up to the U.S. Supreme Court, a process that can take years.

We are also extremely concerned with the consequences this legislation would have on worker radiation safety. The current standard within the DOE is to provide protections to workers that are as low as reasonably achievable (ALARA). This legislation would strip away the gains in radiation safety that have been made over the past half century and instead implement lesser protections that are as low as reasonably practicable (ALARP). We know that ALARP protections will increase the radiation exposure to workers in these facilities. This will result in today's workers being our next generation of occupational disease victims.

We urge you to remove this language from the FY13 NDAA as it will serve to weaken critical health and safety protection for workers. We stand ready to meet with you or other members of the committee to explore this matter further and provide information from the USW as a stakeholder in this process.

Sincerely,

LEO W. GERARD,
International President.

ALLIANCE OF
NUCLEAR WORKER ADVOCACY GROUPS,
May 14, 2012.

Hon. HOWARD P. ''BUCK'' MCKEON,
Chairman, Armed Services Committee, House of Representatives, Rayburn Office Building, Washington, DC.

DEAR CHAIRMAN MCKEON: The Alliance of Nuclear Worker Advocacy Groups (ANWAG) has learned that language is included in the FY 2013 National Defense Authorization Bill (NDAA) that will reduce the protection of workers exposed to radiological hazards from the current standard of ''as low as reasonably achievable'' (ALARA) to ''as low as reasonably practicable'' (ALARP). This amendment also allows the protection standard for other hazards to meet the Occupational Safety and Health Administration's instead of the current policies implemented by the Department of Energy (DOE). This language is not acceptable.

ANWAG monitors the implementation of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended, (EEOICPA) and advocates for the workers and families under EEOICPA who were damaged performing nuclear weapons work. EEOICPA was legislated in part because employees of the DOE's nuclear weapons facilities contractors placed those workers in harm's way by not providing adequate protection to their daily exposure of the unique toxic brew of potentially hazardous chemicals and radioactive materials present at those facilities. In fact, Congress found,

§ 7384. Findings; sense of Congress

(a)FINDINGS.—The Congress finds the following:

(1) Since World War II, Federal nuclear activities have been explicitly recognized under Federal law as activities that are ultra-hazardous. Nuclear weapons production and testing have involved unique dangers, including potential catastrophic nuclear accidents that private insurance carriers have not covered and recurring exposures to radioactive substances and beryllium that, even in small amounts, can cause medical harm.

(2) Since the inception of the nuclear weapons program and for several decades afterwards, a large number of nuclear weapons workers at sites of the Department of Energy (DOE) and at sites of vendors who supplied the Cold War effort were put at risk without their knowledge and consent for reasons that, documents reveal, were driven by fears of adverse publicity, liability, and employee demands for hazardous duty pay.

(3) Many previously secret records have documented unmonitored exposures to radiation and beryllium and continuing problems at these sites across the Nation, at which the Department of Energy and its predecessor agencies have been, since World War II, self-regulating with respect to nuclear safety and occupational safety and health. No other hazardous Federal activity has been permitted to be carried out under such sweeping powers of self-regulation.

Substantial costs now being incurred are an undeniable consequence of the negligence in the past. Does Congress want to repeat the mistakes made 60, 40, even 20 years ago?

ANWAG fears that if this language remains in the NDAA the workplace environment at the nuclear weapons facilities will revert back to the ''profit over protection'' philosophy. This would result in, once again, workers needlessly placed in harm's way. Great strides have been taken by DOE to better protect their workers from exposure to radiation and chemical hazards, such as exposure to beryllium. While immediate radiological illnesses are not anticipated with this proposed change in the protection standard, it is known that the effects from long term low dose exposure to ionizing radiation produces serious and sometimes fatal illnesses after a lengthy latency period.

It is unconscionable that the current dedicated and patriotic workforce would be unnecessarily exposed and subjected to increased hazards because of this proposed change in protection standards. Knowledge of the serious pain and suffering incurred by the workers through lax policies of the past should lead any ethical politician to vote to protect the life and health of these nuclear weapons workers.

ANWAG urges you to keep these workers safe by deleting this language from NDAA. Do not consider language which will increase the possibility that these workers could contract debilitating and sometimes fatal diseases. Do not let the families of these workers share in the nightmare of watching their loved one die from a disease that could have been prevented if the worker had the proper protection.

If you require further information on the history of EEOICPA and its implementation, please do not hesitate to contact us.

Sincerely,

Alliance of Nuclear Worker Advocacy Groups: Harry Williams, ANWAG Founding Member; Terrie Barrie, ANWAG Founding Member; Scott Yundt, Staff Attorney, Tri-Valley CAREs; Paul Mullens, Union Local #5–689; Deb Jerison, Director, Energy Employees Claimant Assistance Project; Faye Vlieger, Advisory Committee Member, Cold War Patriots; David M. Manuta, Ph.D., FAIC, President, Manuta Chemical Consulting, Inc; D'Laine Blaze, TheAeroSpace.org; Laura Schultz, President, Rocky Flats Support Group; Jan Lovelace, Advocate, ORNL Firefighters; Ann Suellentrop, MSRN, Kansas City Physicians for Social Responsibility; Dr. Kathleen Burns, Director, Sciencecorps.

Mr. KUCINICH. Madam Speaker, I hereby submit the enclosed letters:

MAY 9, 2012.

Re Workers and Nuclear Safety Protection in the Department of Energy FY 2013 National Defense Authorization Act (HR 4310).

Hon. HOWARD MCKEON,
Chairman, House Armed Services Committee, U.S. House of Representatives Washington, DC.

Hon. ADAM SMITH,
Ranking Member, House Armed Services Committee, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN MCKEON AND RANKING MEMBER SMITH: On behalf of the Communications Workers of America (CWA), I write to express CWA's strong concern with language

included in the House Armed Services Committee's FY 2013 National Defense Authorization Act (NDAA). As introduced, key sections of Title XXXI of the NDAA will weaken worker and nuclear safety protections for affected employees and community members living near facilities operated by the National Nuclear Security Administration (NNSA) within the U.S. Department of Energy (DOE).

Section 3115 of the proposed legislation will transfer responsibilities for worker safety and health enforcement at DOE weapons complex sites from the DOE's Office of Health, Safety and Security to the National Nuclear Security Administration (NNSA). Unfortunately, this will result in worker safety standards being limited to those issued under Section 6 of the Occupational Safety and Health Act (OSHA). Further, nuclear facility safety would be based upon ensuring the safety and health of workers of NNSA and its contractors- as well as the general public- are as low as practicable (as opposed to achievable) and that adequate protection is provided. This new standard will provide a lower level of protection than that used by the Nuclear Regulatory Commission for commercial nuclear power plants. As such, this weakening of workplace and worker safety and health protections will result in today's workers becoming the next generation of occupational disease victims.

Under the legislation, there would be a drastic shift in the entire safety and health structure to a performance-based oversight system based on Occupational Safety and Health Administration (OSHA) standards. Such performance-based oversight will effectively eliminate the current DOE-specific safety and health standards that provide the means for adequate safety and health protections to be implemented at covered facilities and remove the enforcement mechanisms vital to ensuring worker and public safety. This change represents a dramatic shift towards contractor self-regulation and all but eliminates the government's role in ensuring the protection of workers and members of the public.

CWA represents several thousand workers at three of the targeted facilities, i.e., Lawrence Livermore National Laboratory, Lawrence Berkeley National laboratory, and Los Alamos National Laboratory. Our members at these facilities are exposed to a variety of radioactive and toxic materials. Many work operations at these facilities are unique to the DOE resulting in the issuance of specific worker safety orders setting requirements for contractors to follow and providing guidance helping workers to understand proper workplace protections.

As noted, the proposed legislation would eliminate such DOE safety orders including important provisions of DOE Order 850 which provides specific worker protections for beryllium exposure. Beryllium is an extremely toxic, life-threatening compound which causes a devastating lung disorder—Chronic Beryllium Disease. Further, the DOE Order provides significantly more protection than the OSHA beryllium standard—including an exposure limit which is ten times less than the OSHA standard.

In addition, the harmful legislation would eliminate coverage of DOE Order 851 which requires DOE facilities to have defined, proactive safety and health programs. (Unfortunately, there is no equivalent OSHA rule); eliminate DOE's current authority to order an employer to immediately correct a workplace hazard. (OSHA has limited authority to require such action of employers); and, as provided in the OSHAct, allow employers to delay workplace hazard abatement until lengthy legal procedures/appeals are exhausted.

CWA urges you to reject HR 4310 and any other efforts to weaken critical safety and health protections for DOE workers. As a stakeholder in this process, we are prepared to meet with you and/or other members of the committee to further explore and discuss this matter.

Sincerely,

SHANE LARSON,
LEGISLATIVE DIRECTOR,
Communications Workers of America.

MAY 16, 2012.

To: House Military Staff
From: Alliance for Nuclear Accountability
Subject: Protect Nuclear Safety Oversight—Support Miller-Visclosky-Sanchez Amendment to FY13 National Defense Authorization Act

The House Armed Services Committee mark of the National Defense Authorization Act (NDAA) contains several provisions that, if enacted, will adversely affect safety oversight at nuclear weapons facilities. Representatives Miller, Visclosky, and Sanchez are wisely offering an amendment to strike these provisions. Please support this important amendment that would protect workers at and communities surrounding nuclear weapons facilities.

These onerous provisions include:

Moving away from the ''adequate protection standard'' that has been the cornerstone of nuclear safety oversight for over 25 years.

Moving away from the existing ''transactional'' model of oversight to the more reactionary ''performance-based'' model.

Removing independence from nuclear weapons oversight, making all oversight agencies subservient to the Undersecretary for Nuclear Security.

Adding layers of unnecessary bureaucracy to the Defense Nuclear Facilities Safety Board.

If these provisions are included in the final NDAA, our nuclear safety will be significantly imperiled.

TALKING POINTS:

This bill would overturn the ''adequate protection standard'' that has guided nuclear safety oversight for over two decades. The adequate protection standard has been defined through legal precedent as not allowing cost considerations to impact safety recommendations. This standard would be muddled by a new ''low as reasonably practicable'' standard, an imprecise measure undefined by statute and almost certain to favor cost-cutting measures over public safety.

The NDAA would mandate that ''performance-based oversight'' replace ''transactional oversight'' for regulators. Right now nuclear oversight is ''transactional'', meaning that it prescribes best practices for contractors to follow in the hopes of avoiding an accident. ''Performance-based'' oversight is the style used by the National Transportation Safety Board, which would only investigate an airline's safety procedures after a plane crash, based on an airline's performance.

The NDAA would degrade the independent nature of oversight organizations such as the Defense Nuclear Facilities Safety Board (DNFSB) and OSHA. The bill would make these previously independent agencies subservient to the head of the National Nuclear Security Administration (NNSA) while conducting oversight activities. The stunning thing about this is that the NNSA is already free to disregard advice offered by agencies such as the DNFSB. The NDAA's new requirement would go further and allow the Undersecretary for Nuclear Security to directly interfere in investigations.

By enshrining contractors' role in determining how to achieve safety standards, the NDAA moves closer to allowing our nation's nuclear weapons labs to oversee themselves. The bottom line for these contractors is profit, not community or worker safety and they require appropriate oversight. We saw the result in Fukushima, Japan when nuclear oversight took a backseat to profits.

There is no reason to saddle the DNFSB with additional reporting and staffing requirements. DNFSB members are all appointed for their technical expertise and have a dedicated staff at their disposal; there is no reason to require that all Board members employ personal technical assistants or to micro-manage how information is communicated to and among Board members.

The Board should maintain primary responsibility for technical safety evaluations, allowing the Department of Energy to decide how best to implement DNFSB recommendations. Cost should not be the primary factor driving safety measures, the DNFSB should base its decisions on science and what's best for workers and communities. It should be the NNSA's responsibility to consider cost restrictions and determine implementation steps.

Thank you,

Katherine Fuchs, Program Director, Alliance for Nuclear Accountability (NM, SC, DC); Roger Herried, Abalone Alliance Clearinghouse (CA); Katie Heald, Coordinator, Campaign for a Nuclear Weapons Free World (CA); Renee Nelson, President, Clean Water and Air Matter (CA); Mark Donham, Coordinator, Coalition for Health Concerns (IL); Bob Kinsey, Co-Chair, Colorado Coalition for the Prevention of Nuclear War (CO); Joni Arends, Executive Director, Concerned Citizens for Nuclear Safety (NM); Gar Smith, Co-Founder, Environmentalists Against War (CA); Lisa Crawford, President, Fernald Residents for Environmental Safety and Health (OH); David Culp, Legislative Representative, Friends Committee on National Legislation (PA, DC); Jean Mcmahon, National Committee Delegate, Green Party of Oklahoma (OK); Tom Carpenter, Executive Director, Hanford Challenge (WA); Gerry Pollet, JD, Executive Director, Heart of America Northwest (WA); Donald B. Clark, Network for Environmental & Economic, Responsibility—United Church of Christ (TN); Rick Wayman, Program Director, Nuclear Age Peace Foundation (CA); Ralph Hutchison, Coordinator, Oak Ridge Environmental Peace Alliance (TN); Kevin Martin, Executive Director, Peace Action Education Fund (MD); Jon Rainwater, Executive Director, Peace Action West (CA); Jerry Stein, Coordinator, Peace Farm (TX); Catherine Thomasson, MD, Executive Director, Physicians for Social Responsibility (DC); Ann Suellentrop, R.N., President, Kansas City Physicians for Social Responsibility (MO); Robert Gould, President, San Francisco-Bay Area Physicians for Social Responsibility (CA); Lewis E. Patrie, M.D, M.P.H., Western North Carolina Physicians for Social (NC); Jay Coghlan, Executive Director, Nuclear Watch New Mexico (NM); Glenn Carroll, Coordinator, Nuclear Watch South (GA); Gene Stone, Coordinator, Residents Organized for a Safe Environment (CA); Judith Mohling, Coordinator, Nuclear Nexus Project, Rocky Mountain Peace and Justice Center (CO); Linda Seeley, Vice President, San Luis Obispo Mothers for Peace (CA); Liz Woodruff, Executive Director, Snake River Alliance (ID); Don Hancock, Director, Nuclear

Waste Safety Program, Southwest Research and Information Center (NM); Marylia Kelley, Executive Director, Tri-Valley Communities Against a Radioactive Environment (CA); Kathy Crandall-Robinson, Public Policy Director, Women's Action for New Directions (MA, DC); Bobbie Paul, Executive Director, Georgia Women's Action for New Directions (GA).

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

AN AMENDMENT TO H. RES. 661 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

At the end of the resolution, add the following:

SEC. 5. Notwithstanding any other provision of this resolution, the amendment printed in section 6 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative McGovern of Massachusetts or a designee. That amendment shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

SEC. 6. The amendment referred to in section 5 is as follows:

Strike section 1216 and insert the following:

SEC. 1216. COMPLETION OF ACCELERATED TRANSITION OF UNITED STATES COMBAT AND MILITARY AND SECURITY OPERATIONS TO THE GOVERNMENT OF AFGHANISTAN.

(a) IN GENERAL.—In coordination with the Government of Afghanistan, North Atlantic Treaty Organization (NATO) member countries, and other allies in Afghanistan, the President shall—

(1) complete the accelerated transition of United States combat operations to the Government of Afghanistan by not later than December 31, 2013;

(2) complete the accelerated transition of United States military and security operations to the Government of Afghanistan and redeploy United States Armed Forces from Afghanistan (including operations involving military and security-related contractors) by not later than December 31, 2014; and

(3) pursue robust negotiations leading to a political settlement and reconciliation of the internal conflict in Afghanistan, to include the Government of Afghanistan, all interested parties within Afghanistan and with the observance and support of representatives of donor nations active in Afghanistan and regional governments and partners in order to secure a secure and independent Afghanistan and regional security and stability.

(b) SENSE OF CONGRESS.—It is the sense of Congress that should the President determine the necessity to maintain United States troops in Afghanistan to carry out missions after December 31, 2014, such presence and missions should be authorized by Congress.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed so as to limit or prohibit any authority of the President to—

(1) modify the military strategy, tactics, and operations of United States Armed Forces as such Armed Forces redeploy from Afghanistan;

(2) attack Al Qaeda forces wherever such forces are located;

(3) provide financial support and equipment to the Government of Afghanistan for the training and supply of Afghanistan military and security forces; or

(4) gather, provide, and share intelligence with United States allies operating in Afghanistan and Pakistan.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the rule, if ordered: and motions to suspend the rules with regard to H. Res. 568 and H.R. 5740.

The vote was taken by electronic device, and there were—yeas 236, nays 182, not voting 13, as follows:

[Roll No. 259]

YEAS—236

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
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
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
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
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)
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions

Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
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
Bonamici
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
Courtney
Critz
Crowley
Cuellar
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
Holt
Honda
Hoyer
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)
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pastor (AZ)
Paul
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
Shuler
Sires
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—13

Amodei
Costello
Filner
Holden
Issa
Miller, George
Nunnelee
Pascrell
Sanchez, Loretta
Scalise
Slaughter
Southerland
Wasserman Schultz

□ 1427

Messrs. LOEBSACK, COSTA, SHULER, and Ms. HOCHUL changed their vote from ''yea'' to ''nay.''

Messrs. LONG, MILLER of Florida, and DUFFY changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 259, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER pro tempore (Mr. GRIMM). The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and of all who serve in our Armed Forces and their families.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

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

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 244, noes 178, not voting 9, as follows:

[Roll No. 260]

AYES—244

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
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
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
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)
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
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
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
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
Courtney
Critz
Crowley
Cuellar
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
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
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)
Nadler
Napolitano
Neal
Olver
Pallone
Pastor (AZ)
Paul
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
Sires
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—9

Amodei
Costello
Filner
Holden
Miller, George
Pascrell
Sanchez, Loretta
Slaughter
Wasserman Schultz

□ 1436

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 260, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

EXPRESSING SENSE OF HOUSE REGARDING IMPORTANCE OF PREVENTING IRAN FROM ACQUIRING A NUCLEAR WEAPONS CAPABILITY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 568) expressing the sense of the House of Representatives regarding the importance of preventing the Government of Iran from acquiring a nuclear weapons capability, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 11, answered ''present'' 9, not voting 10, as follows:

[Roll No. 261]

YEAS—401

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
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
Bonamici
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)
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
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)
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
Holt
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
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
LaTourette
Latta
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
McCotter
McGovern
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)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pastor (AZ)
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.
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
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)
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
Davis (KY)
Duncan (TN)
Kucinich
Lee (CA)
McDermott
Olver
Paul
Stark
Woolsey

ANSWERED ''PRESENT''—9

Conyers
DeFazio
Ellison
Honda
Johnson (GA)
Johnson, E. B.
McCollum
Moore
Speier

NOT VOTING—10

Amodei
Costello
Filner
Gohmert
Holden
Miller, George
Pascrell
Sanchez, Loretta
Slaughter
Wasserman Schultz

□ 1445

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 261, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

NATIONAL FLOOD INSURANCE PROGRAM EXTENSION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5740) to extend the National Flood Insurance Program, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 18, not voting 11, as follows:

[Roll No. 262]

YEAS—402

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
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
Bonamici
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
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
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
Fincher
Fitzpatrick
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 (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
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
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
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
Walberg
Walden
Walz (MN)
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—18

Amash
Broun (GA)
Duncan (TN)
Flake
Franks (AZ)
Graves (GA)
Mack
McClintock
Miller (MI)
Paul
Petri
Quayle
Reed
Rohrabacher
Ross (FL)
Sensenbrenner
Visclosky
Walsh (IL)

NOT VOTING—11

Amodei
Costello
Filner
Hastings (WA)
Holden
Miller, George
Pascrell
Sanchez, Loretta
Schock
Slaughter
Wasserman Schultz

□ 1452

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 262, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

□ 1500

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4310.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 661 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4310.

Will the gentleman from Kansas (Mr. YODER) kindly take the chair.

□ 1508

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes, with Mr. YODER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, May 16, 2012, all time for general debate pursuant to House Resolution 656 had expired.

Pursuant to House Resolution 661, no further general debate shall be in order. In lieu of the amendment in the nature of a substitute recommended by the Committee on Armed Services, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee print 112–22. That amendment in the nature of a substitute shall be considered as read.

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

H.R. 4310

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2013''.

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

(4) Division D—Funding Tables.

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

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2013 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. MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY CH–47 HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—In accordance with section 2306b of title 10, United States Code, the Secretary of the Army may enter into a multiyear contract, beginning with the fiscal year 2013 program year, for the procurement of airframes for CH–47F 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 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 112. REPORTS ON AIRLIFT REQUIREMENTS OF THE ARMY.

(a) REPORTS.—Not later than October 31, 2012, and each year thereafter through 2017, the Secretary of the Army shall submit to the congressional defense committees a report on the time-sensitive or mission-critical airlift requirements of the Army.

(b) MATTERS INCLUDED.—The reports under subsection (a) shall include, with respect to the fiscal year before the fiscal year in which the report is submitted, the following information:

(1) The total number of time-sensitive or mission-critical airlift movements required for training, steady-state, and contingency operations.

(2) The total number of time-sensitive or mission-critical airlift sorties executed for training, steady-state, and contingency operations.

(3) Of the total number of sorties listed under paragraph (2), the number of such sorties that were operated using each of—

(A) aircraft of the Army;

(B) aircraft of the Air Force; and

(C) aircraft of contractors.

(4) For each sortie described under subparagraph (A) or (C) of paragraph (3), an explanation for why the Secretary did not use aircraft of the Air Force to support the mission.

Subtitle C—Navy Programs

SEC. 121. RETIREMENT OF NUCLEAR-POWERED BALLISTIC SUBMARINES.

Section 5062 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) Beginning October 1, 2012, the Secretary of the Navy may not retire or decommission a nuclear-powered ballistic missile submarine if such retirement or decommissioning would result in the active or commissioned fleet of such submarines consisting of less than 12 submarines.

''(2) The limitation in paragraph (1) shall not apply to a nuclear-powered ballistic submarine that has been converted to carry exclusively non-nuclear payloads as of October 1, 2012.''.

SEC. 122. 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), as amended by section 124 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1320), is amended by striking ''four fiscal years'' and inserting ''five fiscal years''.

SEC. 123. EXTENSION OF MULTIYEAR PROCUREMENT AUTHORITY FOR F/A–18E, F/A–18F, AND EA–18G AIRCRAFT.

Section 128 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2217), as amended by Public Law 111–238 (124 Stat. 2500), is amended by adding at the end the following new subsection:

''(f) EXTENSION OF MULTIYEAR AUTHORITY.—Notwithstanding section 2306b of title 10, United States Code, the Secretary of the Navy may modify a multiyear contract entered into under subsection (a) to add a fifth production year to such contract.''.

SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR V–22 JOINT AIRCRAFT PROGRAM.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—In accordance with section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, beginning with the fiscal year 2013 program year, for the procurement of V–22 aircraft for the Department of the Navy, the Department of the Air Force, and the United States Special Operations Command.

(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 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE-CLASS DESTROYERS AND ASSOCIATED SYSTEMS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—In accordance with section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, beginning with the fiscal year 2013 program year, for the procurement of not more than 10 Arleigh Burke-class guided missile destroyers, including the Aegis weapon systems, MK 41 vertical launching systems, and commercial broadband satellite systems associated with such vessels.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into a contract, beginning in fiscal year 2013, for advance procurement associated with the vessels and systems for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

SEC. 126. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA-CLASS SUBMARINE PROGRAM.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—

(1) IN GENERAL.—In accordance with section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, beginning with the fiscal year 2014 program year, for the procurement of not more than 10 Virginia-class submarines and Government-furnished equipment associated with the Virginia-class submarine program.

(2) USE OF INCREMENTAL FUNDING.—The Secretary may use incremental funding with respect to a contract entered into under paragraph (1).

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into a contract, beginning in fiscal year 2013, for advance procurement associated with the vessels and systems for which authorization to enter into a multiyear procurement contract is provided under subsection (a)(1).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a)(1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2014 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

SEC. 127. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. ABRAHAM LINCOLN.

(a) REFUELING AND COMPLEX OVERHAUL.—Of the funds authorized to be appropriated or otherwise made available for fiscal year 2013 for shipbuilding and conversion, Navy, not more than $1,613,392,000 may be obligated or expended for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln (CVN–72) during such fiscal year. Such amount shall be the first increment in the two-year sequence of incremental funding planned for such nuclear refueling and complex overhaul.

(b) CONTRACT AUTHORITY.—The Secretary of the Navy may enter into a contract during fiscal year 2013 for the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for that later fiscal year.

SEC. 128. REPORT ON LITTORAL COMBAT SHIP DESIGNS.

Not later than December 31, 2013, the Secretary of the Navy shall submit to the congressional defense committees a report on the designs of the Littoral Combat Ship, including comparative cost and performance information for both designs of such ship.

SEC. 129. COMPTROLLER GENERAL REVIEWS OF LITTORAL COMBAT SHIP PROGRAM.

(a) ACCEPTANCE OF LCS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the compliance of the Secretary of the Navy with part 246 of title 48 of the Code of Federal Regulations and subpart 46.5 of the Federal Acquisition Regulation in accepting the LCS.

(2) MATTERS INCLUDED.—The review under paragraph (1) shall include a discussion of the knowledge of, and determinations by, the LCS program office and contractors with respect to the following:

(A) Potential for cracks in the LCS hull and deckhouse and any corresponding potential design risks.

(B) Chargeable equipment failures.

(C) Potential for engine failures or breakdowns.

(D) Meeting key performance parameters, including speed.

(E) Review of the quality of seals and welds.

(F) Review of water jet corrosion.

(G) Completeness of records to support acceptance of the LCS.

(H) How the LCS risk and problems compare to lead ships in comparable programs.

(I) Security of the ship and systems, including any known lapses.

(J) Manning analysis, including how it would affect key performance parameters.

(K) Strategies for balancing cost, schedule, and performance trade-offs as required by section 201 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1719).

(b) OPERATIONAL SUPPORT.—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 operational support and sustainment strategy for the Littoral Combat Ship program, including modernization and logistics support.

(c) COOPERATION.—For purposes of conducting the review under subsection (a)(1) and (b), the Secretary of Defense shall ensure that the Comptroller General has access to—

(1) all relevant records of the Department; and

(2) all relevant communications between Department officials, whether such communications occurred inside or outside the Federal Government.

SEC. 130. SENSE OF CONGRESS ON IMPORTANCE OF ENGINEERING IN EARLY STAGES OF SHIPBUILDING.

It is the sense of Congress that—

(1) placing a priority on engineering dollars in the early stages of shipbuilding programs is a vital component of keeping cost down; and

(2) therefore, the Secretary of the Navy should take appropriate steps to prioritize early engineering in large ship construction including amphibious class ships beginning with the LHA–8.

SEC. 131. SENSE OF CONGRESS ON MARINE CORPS AMPHIBIOUS LIFT AND PRESENCE REQUIREMENTS.

(a) IN GENERAL.—It is the sense of Congress that—

(1) the United States Marine Corps is a combat force which leverages maneuver from the sea as a force multiplier allowing for a variety of operational tasks ranging from major combat operations to humanitarian assistance;

(2) the United States Marine Corps is unique in that, while embarked upon Naval vessels, they bring all the logistic support necessary for the full range of military operations, operating ''from the sea'' they require no third party host nation permission to conduct military operations;

(3) the Department of the Navy has a requirement for 38 amphibious assault ships to meet this full range of military operations;

(4) for budgetary reasons only that requirement of 38 vessels was reduced to 33 vessels, which adds military risk to future operations;

(5) the Department of the Navy has been unable to meet even the minimal requirement of 33 operationally available vessels and has submitted a shipbuilding and ship retirement plan to the Congress which will reduce the force to 28 vessels; and

(6) experience has shown that early engineering and design of naval vessels has significantly reduced the acquisition costs and life-cycle costs of those vessels.

(b) NEXT GENERATION OF AMPHIBIOUS SHIPS.—In light of subsection (a), it is the sense of Congress that—

(1) the Navy should consider prioritization of investment in and procurement of the next generation of amphibious assault ships;

(2) the next generation amphibious assault ships should maintain survivability protection level II in accordance with current Navy ship requirements;

(3) commonality in hull form design could be a desirable element to reduce acquisition and life cycle cost; and

(4) maintaining a robust amphibious shipbuilding industrial base is vital for future national security.

Subtitle D—Air Force Programs

SEC. 141. RETIREMENT OF B–1 BOMBER AIRCRAFT.

(a) IN GENERAL.—Section 8062 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h)(1) Beginning October 1, 2011, the Secretary of the Air Force may not retire more than six B–1 aircraft.

''(2) The Secretary shall maintain in a common capability configuration not less than 36 B–1 aircraft as combat-coded aircraft.

''(3) 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.''.

(b) CONFORMING AMENDMENT.—Section 132 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1320) is amended by striking subsection (c).

SEC. 142. MAINTENANCE OF STRATEGIC AIRLIFT AIRCRAFT.

(a) MODIFICATION TO LIMITATION ON RETIREMENT OF C–5 AIRCRAFT.—Section 137(d)(3)(B) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2222) is amended by striking ''316'' and inserting ''301''.

(b) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2013, the Commander of the United States Transportation Command shall submit to the congressional defense committees a report assessing the operational risk of meeting the steady-state and warfighting requirements of the commanders of the geographical combatant commands with respect to the Secretary of the Air Force maintaining an inventory of strategic airlift aircraft of less than 301 aircraft.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include a description and analysis of the assumptions made by the Commander with respect to—

(A) aircraft usage rates;

(B) aircraft mission availability rates;

(C) aircraft mission capability rates;

(D) aircrew ratios;

(E) aircrew production;

(F) aircrew readiness rates; and

(G) any other assumption the Commander uses to develop such report.

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

SEC. 143. LIMITATION ON AVAILABILITY OF FUNDS FOR DIVESTMENT OR RETIREMENT OF C–27J AIRCRAFT.

(a) IN GENERAL.—After fiscal year 2013, none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Air Force may be used to divest, retire, or transfer, or prepare to divest, retire, or transfer, a C–27J aircraft until a period of 180 days has elapsed following the date on which—

(1) the Director of the Congressional Budget Office submits to the congressional defense committees the analysis conducted under subsection (b)(1); and

(2) the reports under subsections (d)(2) and (e)(2) of section 112 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1318) are submitted to the congressional defense committees.

(b) LIFE-CYCLE COST ANALYSIS.—

(1) CBO.—The Director of the Congressional Budget Office shall submit to the congressional defense committees a 40-year life-cycle cost analysis of C–27J aircraft, C–130H aircraft, and C–130J aircraft.

(2) MATTERS INCLUDED.—The life-cycle cost analysis conducted under paragraph (1) shall—

(A) take into account all upgrades and modifications required to sustain the aircraft specified in paragraph (1) during a 40-year service-life;

(B) assess the most cost-effective and mission-effective manner for which C–27J aircraft could be affordably fielded by the Air National Guard, including by determining—

(i) the number of basing locations required;

(ii) the number of authorized personnel associated with a unit's manning document; and

(iii) the maintenance and sustainment strategy required; and

(C) outline any limiting factors regarding the analysis of C–27J aircraft with respect to cost assumptions used by the Director in such analysis and the actual costs incurred for aircraft fielded by the Air Force as of the date of the analysis.

(3) COOPERATION.—The Secretary of Defense shall provide the Director with any information, including original source documentation, the Director determines is required to promptly conduct the analysis under paragraph (1).

SEC. 144. LIMITATION ON AVAILABILITY OF FUNDS FOR TERMINATION OF C–130 AVIONICS MODERNIZATION PROGRAM.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Air Force may be used to terminate the C–130 avionics modernization program until a period of 180 days has elapsed after the date on which the Secretary of the Air Force submits to the congressional defense committees the cost-benefit analysis conducted under subsection (b)(1).

(b) COST-BENEFIT ANALYSIS.—

(1) FFRDC.—The Secretary shall seek to enter into an agreement with the Institute for Defense Analyses to conduct an independent cost-benefit analysis that compares the following alternatives:

(A) Upgrading and modernizing the legacy C–130 airlift fleet using the C–130 avionics modernization program.

(B) Upgrading and modernizing the legacy C-130 airlift fleet using a reduced scope program for avionics and mission planning systems.

(2) MATTERS INCLUDED.—The cost-benefit analysis conducted under paragraph (1) shall take into account—

(A) the effect of life-cycle costs for—

(i) each of the alternatives described in subparagraphs (A) and (B); and

(ii) C–130 aircraft that are not upgraded or modernized; and

(B) the future costs associated with the potential upgrades to avionics and mission systems that may be required in the future for legacy C–130 aircraft to remain relevant and mission effective.

SEC. 145. REVIEW OF C–130 FORCE STRUCTURE.

(a) REVIEW.—The Secretary of the Air Force shall conduct a review of the C–130 force structure.

(b) REPORT.—Not later than the date on which the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2014, the Secretary of the Air Force shall submit to the congressional defense committees a report of the review under subsection (a), including—

(1) how the Secretary will determine which C–130 aircraft will be retired or relocated during fiscal years 2014 through 2018;

(2) a description of the methodologies underlying such determinations, including the factors and assumptions that shaped the specific determinations;

(3) the rationale for selecting C–130 aircraft to be retired or relocated with respect to such aircraft of the regular components and such aircraft of the reserve components; and

(4) details of the costs incurred, avoided, or saved with respect to retiring or relocating C–130 aircraft.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after the date on which the report is submitted under subsection (b), the Comptroller General of the United States shall submit to the congressional defense committees a review of such report, including the costs and benefits of the planned retirements and relocations described in such report.

SEC. 146. LIMITATION ON AVAILABILITY OF FUNDS FOR EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) assured access to space remains critical to national security; and

(2) the plan by the Air Force to commit, beginning in fiscal year 2013, to an annual production rate of launch vehicle booster cores should maintain mission assurance, stabilize the industrial base, reduce costs, and provide opportunities for competition.

(b) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Air Force for the evolved expendable launch vehicle program, 10 percent may not be obligated or expended until the date on which the Secretary of the Air Force submits to the appropriate congressional committees—

(1) a report describing the acquisition strategy for such program; and

(2) written certification that such strategy—

(A) maintains assured access to space;

(B) achieves substantial cost savings; and

(C) provides opportunities for competition.

(c) MATTERS INCLUDED.—The report under subsection (b)(1) shall include the following information:

(1) The anticipated savings to be realized under the acquisition strategy for the evolved expendable launch vehicle program.

(2) The number of launch vehicle booster cores covered by the planned contract for such program.

(3) The number of years covered by such contract.

(4) An assessment of when new entrants that have submitted a statement of intent will be certified to compete for evolved expendable launch vehicle-class launches.

(5) The projected launch manifest, including possible opportunities for certified new entrants to compete for evolved expendable launch vehicle-class launches.

(6) Any other relevant analysis used to inform the acquisition strategy for such program.

(d) COMPTROLLER GENERAL.—

(1) REVIEW.—The Comptroller General of the United States shall review the report under subsection (b)(1).

(2) SUBMITTAL.—Not later than 30 days after the date on which the report under subsection (b)(1) is submitted to the appropriate congressional committees, the Comptroller General shall—

(A) submit to such committees a report on the review under paragraph (1); or

(B) provide to such committees a briefing on such review.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The congressional defense committees.

(2) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 147. PROCUREMENT OF SPACE-BASED INFRARED SYSTEMS.

(a) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Air Force may procure two space-based infrared systems 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 space-based infrared systems, 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 space-based infrared systems authorized by subsection (a) may not exceed $3,900,000,000.

(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, 2012.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2012.

(C) The amounts of increases or decreases in costs of the satellites that are attributable to insertion of new technology into a space-based infrared system, as compared to the technology built into such a system procured prior to fiscal year 2013, 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 system; or

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

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

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

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

(3) The total contract value.

(4) The funding profile by year.

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

(6) A plan for using cost savings described in paragraph (1) to improve the capability of overhead persistent infrared, including a description of—

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

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

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

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

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

Subtitle E—Joint and Multiservice Matters

SEC. 151. REQUIREMENT TO SET F–35 AIRCRAFT INITIAL OPERATIONAL CAPABILITY DATES.

(a) F–35A.—Not later than December 31, 2012, the Secretary of the Air Force shall—

(1) establish the initial operational capability date for the F–35A aircraft; and

(2) submit to the congressional defense committees a report on the details of such initial operational capability.

(b) F–35B AND F–35C.—Not later than December 31, 2012, the Secretary of the Navy shall—

(1) establish the initial operational capability dates for the F–35B and F–35C aircraft; and

(2) submit to the congressional defense committees a report on the details of such initial operational capabilities for both variants.

SEC. 152. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF RQ–4 GLOBAL HAWK UNMANNED AIRCRAFT SYSTEMS.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended to retire, prepare to retire, or place in storage an RQ–4 Block 30 Global Hawk unmanned aircraft system.

(b) MAINTAINED LEVELS.—During the period preceding December 31, 2014, in supporting the operational requirements of the combatant commands, the Secretary of the Air Force shall maintain the operational capability of each RQ–4 Block 30 Global Hawk unmanned aircraft system belonging to the Air Force or delivered to the Air Force during such period.

SEC. 153. COMMON DATA LINK FOR MANNED AND UNMANNED INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE SYSTEMS.

Section 141 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3164), as amended by section 143 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2223), is amended by adding at the end the following new subsection:

''(e) STANDARDS IN SOLICITATIONS.—The Secretary of Defense shall ensure that a solicitation for a common data link described in subsection (a)—

''(1) complies with the most recently issued common data link specification standard of the Department of Defense as of the date of the solicitation; and

''(2) does not include any proprietary or undocumented interface or waveform as a requirement or criterion for evaluation.''.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2013 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. NEXT-GENERATION LONG-RANGE STRIKE BOMBER AIRCRAFT NUCLEAR CERTIFICATION REQUIREMENT.

The Secretary of the Air Force shall ensure that the next-generation long-range strike bomber is—

(1) capable of carrying strategic nuclear weapons as of the date on which such aircraft achieves initial operating capability; and

(2) certified to use such weapons by not later than two years after such date.

SEC. 212. UNMANNED COMBAT AIR SYSTEM.

The Secretary of the Navy shall—

(1) conduct additional technology development risk reduction activities using the unmanned combat air system; and

(2) preserve a competitive acquisition environment for the Unmanned Carrier-launched Surveillance and Strike system program.

SEC. 213. EXTENSION OF LIMITATION ON AVAILABILITY OF FUNDS FOR UNMANNED CARRIER-LAUNCHED SURVEILLANCE AND STRIKE SYSTEM PROGRAM.

(a) EXTENSION OF LIMITATION.—Subsection (a) of section 213 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1330) is amended by inserting ''or fiscal year 2013'' after ''fiscal year 2012''.

(b) TECHNOLOGY DEVELOPMENT PHASE.—Such section is further amended by adding at the end the following new subsection:

''(d) TECHNOLOGY DEVELOPMENT AND CRITICAL DESIGN PHASES.—

''(1) CONTRACTORS.—The Secretary of the Navy may not reduce the number of prime contractors working on the Unmanned Carrier-launched Surveillance and Strike system program to one prime contractor for the technology development phase of such program prior to the program achieving the critical design review milestone.

''(2) CRITICAL DESIGN REVIEW.—The Unmanned Carrier-launched Surveillance and Strike system program may not achieve the critical design review milestone until on or after October 1, 2016.''.

(c) TECHNICAL AMENDMENT.—Such section is further amended by striking ''Future Unmanned Carrier-based Strike System'' each place it appears and inserting ''Unmanned Carrier-launched Surveillance and Strike system''.

SEC. 214. LIMITATION ON AVAILABILITY OF FUNDS FOR FUTURE MANNED GROUND MOVING TARGET INDICATOR CAPABILITY OF THE AIR FORCE.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for research, development, test, and evaluation, Air Force, may be obligated or expended for any activity, including pre-Milestone A activities, to initiate a new start acquisition program to provide the Air Force with a manned ground moving target indicator capability or manned dismount moving target indicator capability until a period of 90 days has elapsed following the date on which the Secretary of the Air Force submits the report under subsection (b)(1).

(b) REPORT.—

(1) IN GENERAL.—The Secretary of the Air Force shall submit to the congressional defense committees a report on the plan of the future manned ground moving target and manned dismount moving target indicator capabilities of the Air Force.

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

(A) The plan to maintain onboard command and control capability that is equal to or better than such capability provided by the E–8C joint surveillance target attack radar program.

(B) Each analysis of alternatives completed during fiscal year 2012 regarding future manned ground moving target indicator capability or manned dismount moving target indicator capability.

(C) With respect to each new program analyzed in an analysis of alternatives described in subparagraph (B)—

(i) the development, procurement, and sustainment cost estimates for such program; and

(ii) a description of how such program will affect the potential growth of future manned ground moving target indicator capability or manned dismount moving target indicator capability.

(D) A description of potential operational and sustainment cost savings realized by the Air Force using a platform that is—

(i) derived from commercial aircraft; and

(ii) in operation by the Department of Defense as of the date of the report.

(E) The plan by the Secretary of Defense to retire or replace E–8C joint surveillance target attack radar aircraft.

(F) Any other matter the Secretary considers appropriate.

(c) WAIVER.—The Secretary may waive the limitation in subsection (a) if the Secretary—

(1) determines that such waiver is required to meet an urgent operational need or other emergency contingency requirement directly related to ongoing combat operations; and

(2) notifies the congressional defense committees of such determination.

SEC. 215. LIMITATION ON AVAILABILITY OF FUNDS FOR MILESTONE A ACTIVITIES FOR THE MQ–18 UNMANNED AIRCRAFT SYSTEM.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for research, development, test, and evaluation, Army, may be obligated or expended for Milestone A activities with respect to the MQ–18 medium-range multi-purpose vertical take-off and landing unmanned aircraft system until—

(1) the Chairman of the Joint Requirements Oversight Council certifies in writing to the appropriate congressional committees that—

(A) such system is required to meet a capability in the manned and unmanned medium-altitude intelligence, surveillance, and reconnaissance force structure of the Department of Defense; and

(B) an existing unmanned aircraft system cannot meet such capability or be modified to meet such capability; and

(2) a period of 30 days has elapsed following the date on which the Chairman submits the certification under paragraph (1).

(b) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means—

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

(B) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(2) The term ''Milestone A activities'' means, with respect to an acquisition program of the Department of Defense—

(A) the distribution of request for proposals;

(B) the selection of technology demonstration contractors; and

(C) technology development.

SEC. 216. VERTICAL LIFT PLATFORM TECHNOLOGY DEMONSTRATIONS.

(a) IN GENERAL.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for joint capability technology demonstrations, the Under Secretary of Defense for Acquisition, Technology, and Logistics may obligate or expend not more than $5,000,000 to carry out a program to develop and flight-demonstrate vertical lift platform technologies that address the capability gaps described in the Future Vertical Lift Strategic Plan of the Department of Defense submitted to Congress in August 2010.

(b) GOALS AND OBJECTIVES.—The Under Secretary shall ensure that the program under subsection (a) has the following goals and objectives:

(1) To develop innovative vertical lift platform technologies that address capability gaps in speed, range, ceiling, survivability, reliability, and affordability applicable to both current and future rotorcraft of the Department of Defense.

(2) To flight-demonstrate such vertical lift technologies no later than 2016.

(3) To accelerate the development and transition of innovative vertical lift technologies by promoting the formation of competitive teams of small business working in collaboration with large contractors and academia.

Subtitle C—Missile Defense Programs

SEC. 221. PROCUREMENT OF AN/TPY–2 RADARS.

(a) PROCUREMENT.—The Secretary of Defense shall procure two AN/TPY–2 radars.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of developing an AN/TPY–2 radar on a rotational table to allow the radar to quickly change directions.

SEC. 222. DEVELOPMENT OF ADVANCED KILL VEHICLE.

Not later than 180 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report that includes—

(1) a plan to provide that the new advanced kill vehicle on the standard missile–3 block IIB interceptor shall have the capability of being used for the ground-based midcourse defense program; and

(2) a description of the technology of and concept behind applying the former multiple kill vehicle concept to the new vehicle described in paragraph (1).

SEC. 223. MISSILE DEFENSE SITE ON THE EAST COAST.

(a) OPERATIONAL SITE.—The Secretary of Defense shall ensure that a covered missile defense site on the East Coast of the United States is operational by not later than December 31, 2015.

(b) CONSIDERATION OF LOCATION.—

(1) STUDY.—Not later than December 31, 2013, the Secretary of Defense shall conduct a study evaluating three possible locations selected by the Director of the Missile Defense Agency for a covered missile defense site on the East Coast of the United States.

(2) EIS.—The Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for each location evaluated under paragraph (1).

(3) LOCATION.—In selecting the three possible locations for a covered missile defense site under paragraph (1), the Secretary should—

(A) take into consideration—

(i) the strategic location of the proposed site; and

(ii) the proximity of the proposed site to major population centers; and

(B) give priority to a proposed site that—

(i) is operated or supported by the Department of Defense;

(ii) lacks encroachment issues; and

(iii) has a controlled airspace.

(c) PLAN.—

(1) IN GENERAL.—The Director of the Missile Defense Agency shall develop a plan to deploy an appropriate missile defense interceptor for a missile defense site on the East Coast.

(2) MATTERS INCLUDED.—In developing the plan under paragraph (1), the Director shall evaluate the use of—

(A) two- or three-stage ground-based interceptors; and

(B) standard missile–3 interceptors, including block IA, block IB, and for a later deployment, block IIA or block IIB interceptors.

(3) SUBMISSION.—The Director shall submit to the President the plan under paragraph (1) for inclusion with the budget materials submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2014.

(4) FUNDING.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Missile Defense Agency, $100,000,000 may be obligated or expended to carry out the plan developed under paragraph (1) after a period of 30 days has elapsed following the date on which the congressional defense committees receive the plan pursuant to paragraph (3).

(d) COVERED MISSILE DEFENSE SITE.—In this section, the term ''covered missile defense site'' means a missile defense site that uses—

(1) ground-based interceptors; or

(2) standard missile–3 interceptors.

SEC. 224. GROUND-BASED MIDCOURSE DEFENSE SYSTEM.

(a) GMD SYSTEM.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense, not less than $1,261,000,000 shall be made available for the ground-based midcourse defense system, as specified in the funding table in section 4201.

(b) CERTAIN PROGRAMS OF THE GMD SYSTEM.—

(1) EKV.—The Secretary of Defense shall complete the refurbishment of the CE1 exoatmospheric kill vehicle-equipped ground-based interceptors.

(2) MF-1.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the ground-based midcourse defense system, not less than $205,000,000 shall be obligated or expended to upgrade Missile Field 1 at Fort Greely, Alaska.

SEC. 225. GROUND-BASED MIDCOURSE DEFENSE INTERCEPTOR TEST.

Not later than December 31, 2013, the Secretary of Defense shall conduct an intercontinental ballistic missile test of the ground-based midcourse defense program using a ground-based interceptor equipped with a CE1 exoatmospheric kill vehicle.

SEC. 226. DEPLOYMENT OF SM–3 IIB INTERCEPTORS ON LAND AND SEA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that standard missile–3 block IIB interceptors should be deployable in both land-based and sea-based modes by the date on which such interceptors achieve initial operating capability.

(b) LAND AND SEA MODES.—The Secretary of Defense shall ensure that standard missile–3 block IIB interceptors are deployable using both land-based and sea-based systems by the date on which such interceptors achieve initial operating capability.

(c) REPORT.—

(1) FORCE STRUCTURE.—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 on how the deployment of standard missile–3 block IIB interceptors affects the force structure of the Navy.

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

(A) The implications for the force structure of the Navy if standard missile–3 block IIB interceptors cannot fit in the standard vertical launching system configuration for the Aegis ballistic missile defense system, including the implications regarding—

(i) ship deployments;

(ii) cost; and

(iii) ability to respond to raids.

(B) An explanation for how standard missile–3 block IIB interceptors would be used, at initial operating capability, for the defense of the United States from threats originating in the Pacific region if such interceptors are not deployable in a sea-based mode, including an explanation of cost and force structure requirements.

SEC. 227. IRON DOME SHORT-RANGE ROCKET DEFENSE PROGRAM.

(a) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Of the funds authorized to be appropriated by section 201 for research, development, test, and evaluation, Defense-wide, as specified in the funding table in section 4201, or otherwise made available for the Department of Defense for fiscal years 2012 through 2015, the Secretary of Defense may provide up to $680,000,000 to the Government of Israel for the procurement of additional batteries and interceptors under the Iron Dome short-range rocket defense system and for related operations and sustainment expenses.

(2) AVAILABILITY.—Funds made available for fiscal year 2012 or 2013 to carry out paragraph (1) are authorized to remain available until September 30, 2014.

(b) OFFICE.—The Secretary of Defense shall establish within the Missile Defense Agency of the Department of Defense an office to carry out subsection (a) and other matters relating to assistance for Israel's Iron Dome short-range rocket defense system.

SEC. 228. SEA-BASED X-BAND RADAR.

The Director of the Missile Defense Agency shall ensure that the sea-based X-band radar is maintained in a status such that the radar may be deployed in less than 14 days and for at least 60 days each year.

SEC. 229. PROHIBITION ON THE USE OF FUNDS FOR THE MEADS PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended for the medium extended air defense system.

SEC. 230. LIMITATION ON AVAILABILITY OF FUNDS FOR PHASED, ADAPTIVE APPROACH TO MISSILE DEFENSE IN EUROPE.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for covered missile defense activities, not more than 75 percent may be obligated or expended until—

(1) the Secretary of Defense and the Secretary of State jointly submit to the appropriate congressional committees—

(A) a report on the cost-sharing arrangements for the phased, adaptive approach to missile defense in Europe; and

(B) written certification that a proportional share, as determined by the Secretaries, of the costs for such approach to missile defense will be provided by members of the North Atlantic Treaty Organization other than the United States; and

(2) the Secretary of Defense—

(A) submits a NATO prefinancing request for consideration of expenses regarding such approach to missile defense (excluding such expenses related to military construction described in section 2403(b)); and

(B) submits to the appropriate congressional committees the response by the NATO Secretary General or the North Atlantic Council to such request.

(b) WAIVER.—The President may waive the limitation in subsection (a) with respect to a specific project of a covered missile defense activity if the President submits to the appropriate congressional committees and the written certification that the waiver for such project is vital to the national security interests of the United States.

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means the following:

(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.

(2) The term ''covered missile defense activities'' means, with respect to the phased, adaptive approach to missile defense in Europe, activities regarding—

(A) Aegis ashore sites; or

(B) an AN/TPY–2 radar located in Turkey.

SEC. 231. LIMITATION ON AVAILABILITY OF FUNDS FOR THE PRECISION TRACKING SPACE SYSTEM.

(a) INITIAL LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the precision tracking space system may be obligated or expended until the date on which—

(1) a federally funded research and development center begins the analysis under subsection (b)(1); and

(2) the terms of reference for the analysis are submitted to the congressional defense committees.

(b) ANALYSIS OF ALTERNATIVES.—

(1) FFRDC.—The Director of the Missile Defense Agency shall enter into an agreement with a federally funded research and development center that has not previously been involved with the precision tracking space system to conduct an analysis of alternatives of such program.

(2) BASIS OF ANALYSIS.—The analysis under paragraph (1) shall be based on a clear articulation by the Director of—

(A) the ground-based sensors that will be required to be maintained to aid the precision tracking space system constellation;

(B) the number of satellites to be procured for a first constellation, including the projected lifetime of such satellites in the first constellation, and the number projected to be procured for a first and, if applicable, second replenishment;

(C) the technological and acquisition risks of such system;

(D) an evaluation of the technological capability differences between the precision tracking space system sensor and the space tracking and surveillance system sensor; and

(E) the cost differences, as confirmed by the Director of Cost Assessment and Program Evaluation, between such systems, including costs relating to launch services.

(3) ANALYSIS.—In conducting the analysis under paragraph (1), the federally funded research and development center shall—

(A) appoint a panel of independent study leaders for such analysis;

(B) evaluate whether the precision tracking space system, as planned by the Director in the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2013, is the lowest cost sensor option with respect to land-, air-, or space-based sensors, or a combination thereof, to improve the homeland missile defense of the United States, including by adding discrimination capability to the ground-based midcourse defense system;

(C) examine the overhead persistent infrared data or other data that is available as of the date of the analysis that is not being used;

(D) determine how using the data described in subparagraph (C) could improve sensor coverage for the homeland missile defense of the United States and regional missile defense capabilities;

(E) study the plans of the Director to integrate the precision tracking space system concept into the ballistic missile defense system and evaluate the concept or operations of such use; and

(F) consider the agreement entered into under subsection (d)(1).

(4) COST DETERMINATION.—In determining costs under the analysis under paragraph (1), the federally funded research and development center shall take into account acquisition costs and operation and sustainment costs during the initial ten-year and twenty-year periods.

(c) FURTHER LIMITATION.—

(1) SUBMITTAL AND WAIT.—Except as provided by paragraph (2), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the precision tracking space system may obligated or expended until—

(A) the Director submits to the congressional defense committees the analysis under subsection (b)(1); and

(B) a period of 60 days has elapsed following the date of such submittal.

(2) EXCEPTION.—The limitation in paragraph (1) shall not apply to funds described in such paragraph that are obligated or expended for technology development activities.

(d) MEMORANDUM OF AGREEMENT.—

(1) IN GENERAL.—The Director shall enter into a memorandum of agreement with the Commander of the Air Force Space Command with respect to the space situational awareness capabilities, requirements, design, and cost-sharing of the precision tracking space system.

(2) SUBMITTAL.—The Director shall submit to the congressional defense committees the agreement entered into under paragraph (1).

SEC. 232. PLAN TO IMPROVE DISCRIMINATION AND KILL ASSESSMENT CAPABILITY OF BALLISTIC MISSILE DEFENSE SYSTEMS.

(a) PLAN.—The Director of the Missile Defense Agency shall develop a plan to improve the discrimination and kill assessment capability of ballistic missile defense systems, particularly with respect to the ground-based midcourse defense system.

(b) SUBMISSION.—Not later than December 31, 2012, the Director shall—

(1) transmit to the Secretary of Defense the plan under subsection (a) to be used in the budget materials submitted to the President by the Secretary in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2014; and

(2) submit to the congressional defense committees such plan.

SEC. 233. PLAN TO INCREASE RATE OF FLIGHT TESTS OF GROUND-BASED MIDCOURSE DEFENSE SYSTEM.

(a) PLAN.—

(1) IN GENERAL.—The Director of the Missile Defense Agency shall develop a plan to increase the rate of flight tests and ground tests of the ground-based midcourse defense system.

(2) RATE OF PLANNED FLIGHT TESTS.—The plan under paragraph (1) shall ensure that there are at least three flight tests conducted during every two-year period unless the Director submits to the congressional defense committees—

(A) written certification that such rate of tests is not feasible or cost-effective; and

(B) an analysis explaining the reasoning of such certification.

(b) SUBMISSION.—Not later than December 31, 2012, the Director shall—

(1) transmit to the Secretary of Defense the plan under subsection (a)(1) to be used in the budget materials submitted to the President by the Secretary in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2014; and

(2) submit to the congressional defense committees such plan.

SEC. 234. REPORT ON REGIONAL MISSILE DEFENSE ARCHITECTURES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees a report on—

(1) the regional missile defense architectures, including the force structure and inventory requirements derived from such architectures; and

(2) the comprehensive force management process to evaluate such requirements, including the capability, deployment, and resource outcomes that such process has determined.

SEC. 235. USE OF FUNDS FOR CONVENTIONAL PROMPT GLOBAL STRIKE PROGRAM.

The Secretary of Defense shall ensure that any funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for ground-testing activities of the conventional prompt global strike program are obligated or expended using competitive solicitation procedures to involve industry as well as government partners.

SEC. 236. TRANSFER OF AEGIS WEAPON SYSTEM EQUIPMENT TO MISSILE DEFENSE AGENCY.

(a) TRANSFER BY NAVY.—In accordance with section 230, the Secretary of the Navy may—

(1) transfer to the Director of the Missile Defense Agency Aegis weapon system equipment with ballistic missile defense capability for use by the Director in the Aegis ashore site in the country the Director has designated as ''Host Nation 1'';

(2) in ensuring the shipbuilding schedules of ships affected by this section—

(A) obligate or expend unobligated funds made available for fiscal year 2012 for shipbuilding and conversion, Navy, for the DDG–51 Destroyer to deliver complete, mission-ready Aegis weapon system equipment with ballistic missile defense capability to a DDG–51 Destroyer for which funds were made available for fiscal year 2012 under shipbuilding and conversion, Navy; or

(B) use any Aegis weapon system equipment acquired using such funds to deliver complete, mission-ready Aegis weapon system equipment with ballistic missile defense capability to a DDG–51 Destroyer for which funds were made available for fiscal year 2012 under shipbuilding and conversion, Navy; and

(3) treat equipment transferred to the Secretary under subsection (b) as equipment acquired using funds made available under shipbuilding and conversion, Navy, for purposes of completing the construction and outfitting of such equipment.

(b) TRANSFER BY MDA.—In accordance with section 230, upon the receipt of any equipment under subsection (a), the Director of the Missile Defense Agency shall transfer to the Secretary of the Navy Aegis weapon system equipment with ballistic missile defense capability procured by the Director for installation in a shore-based Aegis weapon system for use by the Secretary in the DDG–51 Destroyer program.

Subtitle D—Reports

SEC. 241. STUDY ON ELECTRONIC WARFARE CAPABILITIES OF THE MARINE CORPS.

(a) STUDY.—The Commandant of the Marine Corps shall conduct a study on the future capabilities of the Marine Corps with respect to electronic warfare.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commandant shall submit to the congressional defense committees a report on the study conducted under subsection (a).

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

(A) A detailed plan for EA–6B Prowler aircraft squadrons.

(B) A solution for the replacement of such aircraft.

(C) Concepts of operation for future air-ground task force electronic warfare capabilities of the Marine Corps.

(D) Any other issues that the Commandant determines appropriate.

SEC. 242. NATIONAL RESEARCH COUNCIL REVIEW OF DEFENSE SCIENCE AND TECHNICAL GRADUATE EDUCATION NEEDS.

(a) REVIEW.—The Secretary of Defense shall enter into an agreement with the National Research Council to conduct a review of specialized degree-granting graduate programs of the Department of Defense in engineering, applied sciences, and management.

(b) MATTERS INCLUDED.—At a minimum, the review under subsection (a) shall address—

(1) the need by the Department of Defense and the military departments for military and civilian personnel with advanced degrees in engineering, applied sciences, and management, including a list of the numbers of such personnel needed by discipline;

(2) an analysis of the sources by which the Department of Defense and the military departments obtain military and civilian personnel with such advanced degrees;

(3) the need for educational institutions under the Department of Defense to meet the needs identified in paragraph (1);

(4) the costs and benefits of maintaining such educational institutions, including costs relating to directed research;

(5) the ability of private institutions or distance-learning programs to meet the needs identified in paragraph (1);

(6) existing organizational structures, including reporting chains, within the military departments to manage the graduate education needs of the Department of Defense and the military departments; and

(7) recommendations for improving the ability of the Department of Defense to identify, manage, and source the graduate education needs of the Department.

(c) REPORT.—Not later than 30 days after the date on which the review under subsection (a) is completed, the Secretary shall submit to the congressional defense committees a report on the results of such review.

SEC. 243. REPORT ON THREE-DIMENSIONAL INTEGRATED CIRCUIT MANUFACTURING CAPABILITIES.

(a) ASSESSMENT.—The Secretary of Defense shall conduct a comprehensive assessment regarding the manufacturing capability of the United States to produce three-dimensional integrated circuits to serve the national defense interests of the United States.

(b) ELEMENTS.—The assessment under subsection (a) shall include—

(1) an assessment of the military requirements for using three-dimensional integrated circuits in future microelectronic systems;

(2) an assessment of the current domestic commercial capability to develop and manufacture three-dimensional integrated circuits for use in military systems, including a plan for alternative sources to supply such circuits in case of shortages in the domestic supply; and

(3) an assessment of the feasibility, as well as planning and design requirements, for the development of a domestic manufacturing capability for three-dimensional integrated circuits.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the assessment under subsection (a).

(d) FORM.—The report under subsection (c) shall be submitted in unclassified form, but may include a classified annex.

SEC. 244. REPORT ON EFFORTS TO FIELD NEW DIRECTED ENERGY WEAPONS.

(a) REPORT.—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 summarizing efforts within the Department of Defense to transition mature and maturing directed energy technologies to new operational weapon systems during the five- to- ten-year period beginning on the date of the report.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) Thorough assessments of—

(A) the maturity of high-energy laser, high-power microwave, and millimeter wave non-lethal technologies, both domestically and foreign;

(B) missions for which directed energy weapons could be used to substantially enhance the current and planned military capabilities of the United States;

(C) the potential for new directed energy systems to reduce requirements for expendable air and missile defense weapons;

(D) the status of and prognosis for foreign directed energy programs;

(E) the potential vulnerabilities of military systems of the United States to foreign directed energy weapons and efforts by the Secretary to mitigate such vulnerabilities; and

(F) a summary of actions the Secretary is taking to ensure that the military will be the global leader in directed energy capabilities.

(2) In light of the suitability of surface ships to support a solid-state laser weapon based on mature and maturing technologies, whether—

(A) the Department of the Navy should be designated as lead service for fielding a 100 to 200 kilowatt-class laser to defend surface ships against unmanned aircraft, cruise missile, and fast attack craft threats; and

(B) the Secretary of the Navy should initiate a program of record to begin fielding a ship-based solid-state laser weapon system.

(3) In light of the potential effectiveness of high-power microwave weapons against sensors,

battle management, and integrated air defense networks, whether—

(A) the Department of the Navy and the Department of the Air Force should be designated as lead services for integrating high-power microwave weapons on small air vehicles, including cruise missiles and unmanned aircraft; and

(B) the Secretary of the Air Force should initiate a program of record to field a cruise missile- or unmanned air vehicle-based high-power microwave weapon.

(4) In light of the potential of mature chemical laser technologies to counter air and ballistic missile threats from relocatable fixed sites, whether the Secretary of the Army should initiate a program of record to develop and field a multi-megawatt class chemical laser weapon system to defend forward airfields, ports, and other theater bases critical to future operations.

(5) Whether the investments by the Secretary of Defense in high-energy laser weapons research, development, test, and evaluation are appropriately prioritized across each military department and defense-wide accounts to support the weaponization of mature and maturing directed energy technologies during the five- to ten-year period beginning on the date of the report, including whether sufficient funds are allocated within budget area 4 and higher accounts to prepare for near term weaponization opportunities.

(c) FORM.—The report under subsection (a) shall be unclassified, but may include a classified annex.

Subtitle E—Other Matters

SEC. 251. ELIGIBILITY FOR DEPARTMENT OF DEFENSE LABORATORIES TO ENTER INTO EDUCATIONAL PARTNERSHIPS WITH EDUCATIONAL INSTITUTIONS IN TERRITORIES AND POSSESSIONS OF THE UNITED STATES.

(a) ELIGIBILITY OF INSTITUTIONS IN TERRITORIES AND POSSESSIONS.—Section 2194(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The term 'United States' includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.''.

(b) TECHNICAL AMENDMENT.—Paragraph (2) of such section is amended by inserting ''(20 U.S.C. 7801)'' before the period.

SEC. 252. REGIONAL ADVANCED TECHNOLOGY CLUSTERS.

(a) DEVELOPMENT OF INNOVATIVE ADVANCED TECHNOLOGIES.—The Secretary of Defense may use the research and engineering network of the Department of Defense, including the organic industrial base, to support regional advanced technology clusters established by the Secretary of Commerce to encourage the development of innovative advanced technologies, including advanced robotics, advanced defense systems, power and energy innovations, systems to mitigate manmade and naturally occurring electromagnetic pulse or high-powered microwaves, cybersecurity and applied lightweight materials, to address national security and homeland defense challenges.

(b) DESIGNATION OF LEAD OFFICE.—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(1) designate an office within the Department of Defense with the lead responsibility for enhancing the use of regional advanced technology clusters by the Department; and

(2) notify the appropriate congressional committees of such designation.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the appropriate congressional committees a report describing—

(1) the participation of the Department of Defense in regional advanced technology clusters;

(2) implementation by the Department of processes and tools to facilitate collaboration with the clusters; and

(3) agreements established by the Department with the Department of Commerce to jointly support the continued growth of the clusters.

(d) COLLABORATION.—The Secretary of Defense may meet, collaborate, and share resources with other Federal agencies for purposes of assisting in the expansion of regional advanced technology clusters under this section.

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means—

(A) the congressional defense committees;

(B) the Committee on Commerce, Science, and Transportation of the Senate; and

(C) the Committee on Energy and Commerce of the House of Representatives.

(2) The term ''regional advanced technology clusters'' means geographic centers focused on building science and technology-based innovation capacity in areas of local and regional strength to foster economic growth and improve quality of life.

SEC. 253. BRIEFING ON POWER AND ENERGY RESEARCH CONDUCTED AT UNIVERSITY AFFILIATED RESEARCH CENTER.

Not later than February 28, 2013, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and House of Representatives on power and energy research conducted at the University Affiliated Research Centers. The briefing shall include—

(1) a description of research conducted with other university based energy centers; and

(2) a description of collaboration efforts with university-based research centers on energy research and development activities, particularly with centers that have an expertise in energy efficiency and renewable energy, including—

(A) lighting;

(B) heating;

(C) ventilation and air-conditioning systems; and

(D) renewable energy integration.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2013 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.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS OF FUNDS FOR INACTIVATION EXECUTION OF U.S.S. ENTERPRISE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Secretary of the Navy for fiscal year 2013 for inactivation execution of the U.S.S. Enterprise (CVN 65) as specified in the funding table in section 4301.

(b) LIMITATION.—The total amount obligated and expended by the Secretary of the Navy for the inactivation execution of the U.S.S. Enterprise may not exceed $708,000,000.

(c) CONTRACT AUTHORITY.—

(1) IN GENERAL.—Subject to the availability of funds under subsection (a) and the condition in paragraph (2), the Secretary of the Navy may enter into a contract during fiscal year 2013 for the inactivation execution of the U.S.S. Enterprise.

(2) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for that fiscal year.

Subtitle B—Energy and Environmental Provisions

SEC. 311. TRAINING RANGE SUSTAINMENT PLAN AND TRAINING RANGE INVENTORY.

Section 366 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2522; 10 U.S.C. 113 note), as most recently amended by section 348 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2159) is amended in subsections (a)(5) and (c)(2), by striking ''fiscal years 2005 through 2013'' and inserting ''fiscal years 2005 through 2018''.

SEC. 312. MODIFICATION OF DEFINITION OF CHEMICAL SUBSTANCE.

Section 3(2)(B)(v) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)(v)) is amended by inserting '', or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers'' before '', and''.

SEC. 313. EXEMPTION OF DEPARTMENT OF DEFENSE FROM ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is amended by adding at the end the following: ''This section shall not apply to the Department of Defense.''.

SEC. 314. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT OF ALTERNATIVE FUEL.

(a) LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available during fiscal year 2013 for the Department of Defense may be obligated or expended for the production or purchase of any alternative fuel if the cost of producing or purchasing the alternative fuel exceeds the cost of producing or purchasing a traditional fossil fuel that would be used for the same purpose as the alternative fuel.

(b) EXCEPTION.—Notwithstanding subsection (a), the Secretary of Defense may purchase such limited quantities of alternative fuels as are necessary to complete fleet certification for 50/50 blends. In such instances, the Secretary shall purchase such alternative fuel using competitive procedures and ensure the best purchase price for the fuel.

SEC. 315. PLAN ON ENVIRONMENTAL EXPOSURES TO MEMBERS OF THE ARMED FORCES.

(a) PLAN.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan on the time line of the Secretary to develop a material solution to measure environmental exposures to members of the Armed Forces in the continental United States and outside the continental United States.

(b) MATTERS INCLUDED.—The plan under subsection (a) shall include the following:

(1) A time line for identifying relevant materiel solutions that would facilitate the Secretary identifying members of the Armed Forces who have individual exposures to environmental hazards.

(2) A time line, and estimated cost, of developing and deploying the material solution described in paragraph (1).

(3) A system for collecting and maintaining exposure data and a description of the content required.

(4) An identification of the categories of environmental exposures that will be tracked, including burn pits, dust or sand, water contamination, hazardous materials, and waste.

(5) A summary of ongoing research into health consequences of military environmental exposures and areas where additional research is needed.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the congressional defense

committees a briefing on the plan developed under subsection (a).

Subtitle C—Logistics and Sustainment

SEC. 321. EXPANSION AND REAUTHORIZATION OF MULTI-TRADES DEMONSTRATION PROJECT.

(a) EXPANSION.—Section 338 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 5013 note), as most recently amended by section 329 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 67), is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) DEMONSTRATION PROJECT AUTHORIZED.—In accordance with subsection 4703 of title 5, United States Code, the Secretary of a military department may carry out a demonstration project at facilities described in subsection (b) under which workers who are certified at the journey level as able to perform multiple trades shall be promoted by one grade level.''; and

(2) in subsection (b), by striking ''Logistics Center, Navy Fleet Readiness Center,'' and inserting ''Logistics Complex, Navy Fleet Readiness Center, Navy shipyard, Marine Corps Logistics Base,''.

(b) REAUTHORIZATION.—Such section is further amended—

(1) in subsection (d), by striking ''2013'' and inserting ''2018''; and

(2) in subsection (e), by striking ''2014'' and inserting ''2019''.

SEC. 322. DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) AMENDMENTS TO DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.—Section 2460 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting after ''software'' the following: ''during the course of a customary depot-level maintenance action''; and

(B) by striking ''or the modification or rebuild of end-items,'' and inserting ''retrofit, modification, upgrade, or rebuild of end items, components,'';

(2) in paragraph (1)(B), by striking ''and'' at the end;

(3) in paragraph (2)(B), by striking ''change events made to operational software, integration and testing'' and inserting ''and change events (including integration and testing) made to operational software'';

(4) in paragraph (2)(C), by striking the period and inserting ''if the modifications or upgrades are being applied during a customary depot-level maintenance action; and''; and

(5) by adding at the end the following new paragraph:

''(3) excludes—

''(A) the nuclear refueling or defueling of an aircraft carrier and any concurrent complex overhaul; and

''(B) the procurement of major modifications or upgrades designed to significantly improve the performance or safety of a weapon system or major end item.''.

(b) AMENDMENTS RELATING TO CORE DEPOT-LEVEL MAINTENANCE AND REPAIR CAPABILITIES.—

(1) ASSOCIATED CAPACITY.—Section 2464(a)(3)(A) of title 10, United States Code, is amended by striking ''and capacity required in paragraph (1)'' and inserting ''required in paragraph (1) and the associated capacity to maintain those capabilities in accordance with paragraph (2)''.

(2) DIRECT SUPPORT OF ASSOCIATED LOGISTICS CAPABILITIES.—Section 2464(a)(3)(B) of such title is amended by inserting ''in direct support of depot-level maintenance and repair'' after ''associated logistics capabilities''.

(3) TIME OF FIELDING.—Section 2464(a)(3) of such title is further amended by adding at the end the following new sentence: ''If a weapon system or item of military equipment does not have an officially scheduled initial operational capability, the weapon system or item is considered fielded at the time when, as part of combined or individual operation, it provides a warfighting capability, unless the Secretary waives this paragraph under subsection (b)(1)(A) based on a determination that the system or item is not an enduring element of the national defense strategy.''.

(3) REQUIREMENT TO NOTIFY CONGRESS BEFORE ISSUANCE OF WAIVER.—Section 2464(b)(3) of such title is amended by striking ''within 30 days of issuance'' and inserting ''at least 30 days before issuance of the waiver''.

(4) PROHIBITION ON DELEGATION OF CERTAIN WAIVER AUTHORITY.—Section 2464(b) of such title is amended by adding at the end the following new paragraph:

''(4) The authority of the Secretary of Defense to waive the requirement in subsection (a)(3) on the basis of a determination under paragraph (1)(A) or (1)(B) may not be delegated.''.

(5) EXCLUSION OF NUCLEAR AIRCRAFT CARRIERS AND SPECIAL ACCESS PROGRAMS.—Section 2464 of such title is further amended—

(A) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(B) by inserting after subsection (c) the following new subsection (d):

''(d) EXCLUSION OF NUCLEAR AIRCRAFT CARRIERS AND SPECIAL ACCESS PROGRAMS.—(1) The requirement in subsection (a)(3) shall not apply to nuclear aircraft carriers.

''(2) The requirement in subsection (a)(3) shall not apply to special access programs.''.

(6) ANNUAL SPECIAL ACCESS PROGRAM CORE CAPABILITY REVIEW.—Section 2464 of such title is further amended by adding at the end the following new subsection:

''(i) BIENNIAL SPECIAL ACCESS PROGRAM CORE CAPABILITY REVIEW.—Notwithstanding the inapplicability of subsection (a)(3) to special access programs (as provided in subsection (d)), the Secretary of Defense shall, not later than April 1 on each even-numbered year, conduct a review of each special access program in existence during the two fiscal years preceding the fiscal year during which the review is conducted to determine the core depot maintenance and repair capabilities required to provide a ready and controlled source of technical competence, and the resources that would be required to establish a core capability if it becomes necessary. The Secretary of Defense shall include the results of such review in the form of a classified annex to the biennial core report required under subsection (f).''.

(7) AMENDMENTS FOR CONSISTENCY IN USE OF TERMS.—Section 2464 of such title is further amended—

(A) in subsection (a)(1), by striking ''a core depot-level maintenance and repair capability'' and inserting ''core depot-level maintenance and repair capabilities'';

(B) in subsection (a)(2), by striking ''This core depot-level maintenance and repair capability'' and inserting ''The core depot-level maintenance and repair capabilities required in paragraph (1)''; and

(C) in subsection (e)(1), as redesignated by paragraph (5), by striking ''a core depot-level maintenance and repair capability'' and inserting ''core depot-level maintenance and repair capabilities''.

(8) CONFORMING AMENDMENTS.—Section 2464(b) of such title is further amended—

(A) in paragraph (1)—

(i) by striking subparagraph (B);

(ii) by inserting ''or'' at the end of subparagraph (A); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2) and in that paragraph by striking ''or (2)''.

Subtitle D—Readiness

SEC. 331. INTERGOVERNMENTAL SUPPORT AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS.

(a) AGREEMENTS AUTHORIZED.—Section 2391 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

''(c) INTERGOVERNMENTAL SUPPORT AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS.—(1) The Secretary of the military department concerned may enter into an intergovernmental support agreement with a State or local government to provide, receive, or share installation-support services when such an agreement—

''(A) serves the best interests of the military department by enhancing mission effectiveness or creating efficiencies or economies of scale, including by reducing costs;

''(B) serves the best interest of State or local government party to the agreement, as determined by the community's particular circumstances; and

''(C) otherwise provides a mutual benefit to the military department and the State or local government.

''(2) The authority provided by this subsection and limitations on its use are not intended to revoke, preclude, or otherwise interfere with existing or proposed mutual-aid agreements relating to police or fire protection services or other similar first responder agreements or arrangements.

''(3) Funds available to the Secretary of the military department concerned for installation support may be used to reimburse a State or local government for providing installation-support services pursuant to an agreement under this subsection. Funds received by the Secretary as reimbursement for providing installation-support services pursuant to the agreement shall be credited to the appropriation or account charged with providing installation support.''.

(b) INSTALLATION-SUPPORT SERVICES DEFINED.—Subsection (e) of section 2391 of title 10, United States Code, as redesignated by subsection (a)(1) of this section, is amended by adding at the end the following new paragraph:

''(4) The term 'installation-support services' means those services, supplies, resources, and support provided typically by a local government, except that the term does not include or authorize police or fire protection services.''.

SEC. 332. EXTENSION AND EXPANSION OF AUTHORITY TO PROVIDE ASSURED BUSINESS GUARANTEES TO CARRIERS PARTICIPATING IN CIVIL RESERVE AIR FLEET.

(a) EXTENSION.—Subsection (k) of section 9515 of title 10, United States Code, is amended by striking ''December 31, 2015'' and inserting ''December 31, 2020''.

(b) APPLICATION TO ALL SEGMENTS OF CRAF.—Such section is further amended—

(1) in subsection (a)(3), by striking ''passenger''; and

(2) in subsection (j), by striking '', except that it only means such transportation for which the Secretary of Defense has entered into a contract for the purpose of passenger travel''.

SEC. 333. EXPANSION AND REAUTHORIZATION OF PILOT PROGRAM FOR AVAILABILITY OF WORKING-CAPITAL FUNDS FOR PRODUCT IMPROVEMENTS.

(a) EXPANSION.—Section 330 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 68) is amended—

(1) in subsection (a), by inserting '', the Secretary of the Navy, and the Secretary of the Air Force (in this section referred to as the 'Secretary concerned')'' after ''the Secretary of the Army'';

(2) in subsection (d)—

(A) by inserting ''by the Secretary concerned'' after ''submitted''; and

(B) by inserting ''by the Secretary concerned'' after ''used''; and

(3) in subsection (e)—

(A) in paragraph (1), by striking ''the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, in consultation with the Assistant Secretary of the Army for Financial Management and Comptroller,'' and inserting ''the Secretary concerned''; and

(B) in paragraph (2), by striking ''the Assistant Secretary of the Army for Acquisition, Logistics, and Technology'' and inserting ''the Secretary concerned''.

(b) COVERED PRODUCT IMPROVEMENTS.—Subsection (b) of such section is amended—

(1) by inserting ''retrofit, modernization, upgrade, or rebuild of a'' before ''component''; and

(2) by striking ''reliability and maintainability'' and inserting ''reliability, availability, and maintainability''.

(c) LIMITATION ON CERTAIN PROJECTS.—Subsection (c)(1) of such section is amended by striking ''performance envelope'' and inserting ''capability''.

(d) REPORTING REQUIREMENT.—Subsection (e) of such section is amended—

(1) in paragraph (2), by striking ''2012'' and inserting ''2017''; and

(2) in paragraph (3), by striking ''60 days'' and inserting ''45 days''.

(e) EXTENSION.—Subsection (f) of such section, as amended by section 354 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1377), is further amended by striking ''2014'' and inserting ''2018''.

(f) CLERICAL AMENDMENT.—The heading of such section is amended by striking ''**TO ARMY**''.

SEC. 334. CENTER OF EXCELLENCE FOR THE NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) IN GENERAL.—Chapter 5 of title 32, United States Code, is amended by adding at the end the following new section:

''§ 510. Center of Excellence for the National Guard State Partnership Program

''(a) CENTER AUTHORIZED.—The National Guard Bureau may maintain a Center of Excellence for the National Guard State Partnership Program (in this section referred to as the 'Center').

''(b) CENTER AUTHORITY AND PURPOSE.—If the Center is established, the Chief of the National Guard Bureau shall administer the Center to provide training opportunities for units and members of the regular and reserve components for the purpose of improving the skills for such units and members when deployed to complete the mission of the State Partnership Program. The Center will provide accredited instruction in partnership with a university program and other internationally recognized institutions.

''(c) CONDUCT OF CENTER.—The Chief of the National Guard Bureau may provide for the conduct of the Center in such State as the Chief considers appropriate.

''(d) PERSONS ELIGIBLE TO PARTICIPATE IN CENTER TRAINING.—(1) The Chief of the National Guard Bureau may recommend units and members of the National Guard to attend training at the Center under section 502(f) of this title for not longer than the duration of the training.

''(2) The Secretaries of the Army, Navy, Air Force, and Marine Corps may detail units or members of their respective regular or reserve components to attend training at the Center. The Secretary of Homeland Security may detail members of the Coast Guard to attend training and provide subject matter expertise as requested.

''(e) AUTHORIZED TRAINING.—The training authorized to be provided by the Center involves such matters within the core competencies of the National Guard and suitable for contacts under the State Partnership Program as the Chief of the National Guard Bureau specifies consistent with regulations issued by the Secretary of Defense.

''(f) CENTER PERSONNEL.—(1) The Chief of the National Guard Bureau shall appoint an active member of the National Guard to be the Commandant of the Center to administer and lead the center.

''(2) The Center shall contain personnel authorizations under a table of distribution and allowance that ensures sufficient cadre and support to the Center and will be assigned to the host State.

''(3) Personnel of the National Guard of any State may serve on full-time National Guard duty for the purpose of providing command, administrative, training, or supporting services for the Center. For the performance of those services, any personnel may be ordered to duty under section 502(f) of this title.

''(4) Employees of the Departments of Defense may be detailed to the Center for the purpose of providing additional training.

''(5) The National Guard Bureau may procure, by contract, the temporary full time services of such civilian personnel as may be necessary in carrying out the training provided by the Center.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''510. Center for Excellence for the National Guard State Partnership Program.''.

Subtitle E—Reports

SEC. 341. REPORT ON JOINT STRATEGY FOR READINESS AND TRAINING IN A C4ISR-DENIED ENVIRONMENT.

(a) REPORT REQUIRED.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall submit to Congress a report on the readiness of the joint force to conduct operations in environments where there is no access to Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (in this section referred to as ''C4ISR'') systems, including satellite communications, classified Internet protocol-based networks, and the Global Positioning System (in this section referred to as ''GPS'').

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include a description of the steps taken and planned to be taken—

(1) to identify likely threats to the C4ISR systems of the United States, including both weapons and those states with such capabilities; as well as the most likely areas in which C4ISR systems could be at risk;

(2) to identify vulnerabilities to the C4ISR systems of the United States that could result in a C4ISR-denied environment;

(3) to determine how the Armed Forces should respond in order to reconstitute C4ISR systems, prevent further denial of C4ISR systems; and develop counter-attack capabilities;

(4) to determine which types of joint operations could be feasible in an environment in which access to C4ISR systems is restricted or denied;

(5) to conduct training and exercises for sustaining combat and logistics operations in C4ISR-denied environments; and

(6) to propose changes to current tactics, techniques, and procedures to prepare to operate in an environment in which C4ISR systems are degraded or denied for 48-hour, 7 day, 30-day, or 60-day periods.

(c) JOINT EXERCISE PLAN REQUIRED.—Based on the findings of the report required by subsection (a), the Chairman of the Joint Chiefs of Staff shall develop a roadmap and joint exercise plan for the joint force to operate in an environment where access to C4ISR systems, including satellite communications, classified Internet protocol-based networks, and the GPS network, is denied. The plan and joint exercise program shall include—

(1) the development of alternatives to satellite communications, classified Internet protocol-based networks, and GPS for logistics, intelligence, surveillance, and reconnaissance, and combat operations; and

(2) methods to mitigate dependency on satellite communications, classified Internet protocol-based networks, and GPS;

(3) methods to protect vulnerable satellite communications, classified Internet protocol-based networks, and GPS; and

(4) a joint exercise and training plan to include fleet battle experiments, to enable the force to operate in a satellite communications, Internet protocol-based network, and GPS-denied environment.

(d) FORM OF REPORT.—The report required to be submitted by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 342. COMPTROLLER GENERAL REVIEW OF ANNUAL DEPARTMENT OF DEFENSE REPORT ON PREPOSITIONED MATERIEL AND EQUIPMENT.

Section 2229a(b)(1) of title 10, United States Code, is amended—

(1) by striking ''By not later than 120 days after the date on which a report is submitted under subsection (a), the'' and inserting ''The''; and

(2) by striking ''the report'' and inserting ''each report submitted under subsection (a)''.

SEC. 343. MODIFICATION OF REPORT ON MAINTENANCE AND REPAIR OF VESSELS IN FOREIGN SHIPYARDS.

Section 7310(c) of title 10, United States Code, is amended—

(1) in paragraph (3)(A), by inserting after ''justification under law'' the following: ''and operational justification''; and

(2) in paragraph (4), by adding at the end the following new subparagraph:

''(C) A vessel not described in subparagraph (A) or (B) that is operated pursuant to a contract entered into by the Military Sealift Command, the Maritime Administration, or the United States Transportation Command.''.

SEC. 344. EXTENSION OF DEADLINE FOR COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE SERVICE CONTRACT INVENTORY.

Section 803(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2402) is amended by striking ''180 days'' and inserting ''270 days''.

SEC. 345. GAO REPORT REVIEWING METHODOLOGY OF DEPARTMENT OF DEFENSE RELATING TO COSTS OF PERFORMANCE BY CIVILIAN EMPLOYEES, MILITARY PERSONNEL, AND CONTRACTORS.

(a) REVIEW REQUIREMENT.—The Comptroller General of the United States shall conduct a review of Department of Defense Directive-Type Memorandum 09-007 entitled ''Estimating and Comparing the Full Costs of Civilian and Military Manpower and Contractor Support'' to determine whether the methodology used in the memorandum reflects the actual, relevant, and quantifiable costs to taxpayers of performance by Federal civilian employees, military personnel, and contractors.

(b) CONSULTATION.—In conducting the review required by subsection (a), the Comptroller General shall consult with the Under Secretary of Defense for Personnel and Readiness, the Director of Cost Assessment and Program Evaluation, the Director of the Office of Management and Budget, and private sector stakeholders.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit a report on the review required by subsection (a) to the Committees on Armed Services of the Senate and the House of Representatives. The report shall contain the results of the review and make recommendations for any statutory changes that the Comptroller General determines are necessary to ensure that the memorandum reviewed includes the actual, relevant, and quantifiable

costs to taxpayers for Federal civilian employees, military personnel, and contractors.

SEC. 346. REPORT ON MEDICAL EVACUATION POLICIES.

(a) IN GENERAL.—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 and the Comptroller General of the United States a report on the policies, procedures, and guidelines of the Department of Defense for helicopter evacuation of injured members of the Armed Forces performed by—

(1) unarmed Army helicopters (in this section referred to as ''MEDEVAC''); and

(2) armed Air Force helicopters (in this section referred to as ''CASEVAC'').

(b) CONTENTS.—The report submitted under subsection (a) shall contain the following:

(1) The differences between armed escort helicopters that accompany MEDEVAC helicopters and CASEVAC helicopters.

(2) The differences between Army and Air Force training of MEDEVAC and CASEVAC air crews.

(3) The differences between the capacity of the Army and the Air Force to care for wounded members of the Armed Forces.

(4) The potential costs associated with—

(A) arming MEDEVAC helicopters;

(B) increasing the training of MEDEVAC air crews to be comparable to the training of CASEVAC air crews; and

(C) increasing the quality of the avionics used in MEDEVAC helicopters to be comparable to the quality of the avionics used in CASEVAC helicopters.

(5) An analysis of the Army rescue goal, commonly known as the ''golden hour'', which specifies a goal of transporting an injured member of the Armed Forces to a military medical treatment facility not later than 60 minutes after the MEDEVAC unit receives notification of the injury, including an analysis on—

(A) whether the 60-minute time period should begin at the time of injury instead of at the time of notification;

(B) the usefulness of gathering information about survival rates using additional different time periods; and

(C) the validity of the survival rate associated with the ''golden hour''.

(6) A comparison of the helicopter evacuation capabilities in combat zones of—

(A) the Army;

(B) the Air Force;

(C) Special Operations Command; and

(D) armed forces of other countries that perform helicopter evacuations in combat zones.

(7) An analysis of—

(A) the requirements under the Convention for the Amelioration of the Condition of the Wounded and Sick in the Armed Forces in the Field, done at Geneva, August 12, 1949 (6 UST 3114) and the related protocols with regard to the weapons an aircraft may carry and still be considered a medical aircraft (which, for purposes of such Convention and protocols, means an aircraft exclusively employed for the removal of wounded and sick and for the transport of medical personnel and equipment) protected under such Convention, and of the interpretations of and policies under such requirements by the Department of Defense;

(B) the threats to MEDEVAC and CASEVAC air crews and assets posed by unconventional forces that do not abide by international law, military tradition, or custom, such as insurgent or criminal organizations; and

(C) any strategies to respond to the threats identified in subparagraph (B), as well as any legal or policy restrictions to such responses based on the requirements, policies, and interpretations identified in subparagraph (A).

(8) An explanation of how the survival rate of injured members of the Armed Forces rescued by helicopter evacuation is calculated.

(9) Information on the average number of injured members of the Armed Forces that are evacuated during each MEDEVAC and CASEVAC mission.

(c) REVIEW BY COMPTROLLER GENERAL.—Not later than 120 days after the date on which the Comptroller General receives the report submitted by the Secretary of Defense under subsection (a), the Comptroller General shall submit to the congressional defense committees an analysis of such report.

Subtitle F—Limitations and Extensions of Authority

SEC. 351. REPEAL OF AUTHORITY TO PROVIDE CERTAIN MILITARY EQUIPMENT AND FACILITIES TO SUPPORT CIVILIAN LAW ENFORCEMENT AND EMERGENCY RESPONSE.

Section 372 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''(a) IN GENERAL.—The Secretary'' and inserting ''The Secretary''; and

(2) by striking subsection (b).

SEC. 352. LIMITATION ON AVAILABILITY OF FUNDS FOR THE DISESTABLISHMENT OF AEROSPACE CONTROL ALERT LOCATIONS.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended to disestablish or downgrade any of the 18 level 5 aerospace control alert defense locations in existence as of the date of the enactment of this Act.

(b) MAINTAINED LEVELS.—The Secretary of the Air Force shall maintain the operational capabilities provided by the 18 level 5 aerospace control alert defense capabilities until the later of the following dates:

(1) The date of the enactment of the National Defense Authorization Act for Fiscal Year 2014.

(2) September 30, 2013.

(c) CONSOLIDATED BUDGET EXHIBIT.—The Secretary of Defense shall establish a consolidated budget justification display that fully identifies the baseline aerospace control alert budget for each of the military services and encompasses all programs and activities of the aerospace control alert mission for each of the following functions:

(1) Procurement.

(2) Operation and maintenance.

(3) Research, development, testing, and evaluation.

(4) Military construction.

(d) REPORT.—

(1) REPORT TO CONGRESS.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report that provides a cost-benefit analysis and risk-based assessment of the aerospace control alert mission as it relates to expected future changes to the budget and force structure of such mission.

(2) COMPTROLLER GENERAL REVIEW.—Not later than 120 days after the date on which the Secretary submits the report required by paragraph (1), the Comptroller General of the United States shall—

(A) conduct a review of the force structure plan of the Department of Defense and the cost-benefit analysis and risk-based assessment contained in the report; and

(B) submit to the congressional defense committees a report on the findings of such review.

SEC. 353. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL MUSEUM OF THE UNITED STATES ARMY.

Of the amounts authorized to be appropriated for Operation and Maintenance for fiscal year 2013, not more than $5,000,000 shall be made available for the National Museum of the United States Army until the Secretary of the Army submits to the congressional defense committees certification in writing that sufficient private funding has been raised to fund the construction of the portion of the museum known as the ''Baseline Museum'' and that at least 50 percent of the Baseline Museum has been completed.

SEC. 354. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF TICONDEROGA CLASS CRUISERS OR DOCK LANDING SHIPS.

(a) LIMITATION.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended to retire, prepare to retire, inactivate, or place in storage a cruiser or dock landing ship.

(b) EXCEPTION.—Notwithstanding subsection (a), the U.S.S. Port Royal, CG 73, is authorized for retirement.

(c) MAINTAINED LEVELS.—The Secretary of the Navy, in supporting the operational requirements of the combatant commands, shall maintain the operational capability and perform the necessary maintenance of each cruiser and dock landing ship belonging to the Navy until the later of the following dates:

(1) The date of the enactment of the National Defense Authorization Act for Fiscal Year 2014.

(2) September 30, 2013.

SEC. 355. RENEWAL OF EXPIRED PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) CODIFICATION OF PROHIBITION.—Section 2572 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) Except as provided in paragraph (3), and notwithstanding this section or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government.

''(2) In this subsection:

''(A) The term 'entity controlled by a foreign government' has the meaning given that term in section 2536(c)(1) of this title.

''(B) The term 'veterans memorial object' means any object, including a physical structure or portion thereof, that—

''(i) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

''(ii) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the armed forces; and

''(iii) was brought to the United States from abroad as a memorial of combat abroad.

''(3) The prohibition imposed by paragraph (1) does not apply to a transfer of a veterans memorial object if—

''(A) the transfer of that veterans memorial object is specifically authorized by law; or

''(B) the transfer is made after September 30, 2017.''.

(b) REPEAL OF OBSOLETE SOURCE LAW.—Section 1051 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 2572 note) is repealed.

Subtitle G—Other Matters

SEC. 361. RETIREMENT, ADOPTION, CARE, AND RECOGNITION OF MILITARY WORKING DOGS.

(a) RETIREMENT AND ADOPTION OF MILITARY WORKING DOGS.—

(1) RETIREMENT AND RECLASSIFICATION OF MILITARY WORKING DOGS.—Section 2583 of title 10, United States Code, is amended—

(A) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively; and

(B) by inserting after subsection (e) the following new subsections:

''(f) CLASSIFICATION OF MILITARY WORKING DOGS.—The Secretary of Defense shall classify military working dogs as canine members of the armed forces. Such dogs shall not be classified as equipment.

''(g) TRANSFER OF RETIRED MILITARY WORKING DOGS.—If the Secretary of the military department concerned determines that a military working dog should be retired, and no suitable adoption is available at the military facility where the dog is located, the Secretary may transfer the dog—

''(1) to the 341st Training Squadron; or

''(2) to another location for adoption under this section.''.

(2) ACCEPTANCE OF FREQUENT TRAVELER MILES TO FACILITATE ADOPTION.—Section 2613(d) of such title is amended—

(A) in paragraph (1)(B), by striking ''; or'' and inserting a semicolon;

(B) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new paragraph:

''(3) facilitating the adoption of a military working dog under section 2583 of this title.''.

(b) VETERINARY CARE FOR RETIRED MILITARY WORKING DOGS.—

(1) VETERINARY CARE.—

(A) IN GENERAL.—Chapter 50 of such title is amended by adding at the end the following new section:

''§ 993. Military working dogs: veterinary care for retired military working dogs

''(a) IN GENERAL.—The Secretary of Defense shall establish and maintain a system to provide for the veterinary care of retired military working dogs.

''(b) ELIGIBLE DOGS.—(1) A retired military working dog eligible for veterinary care under this section is any military working dog adopted under section 2583 of this title.

''(2) The veterinary care provided a military working dog under this section shall be provided during the life of the dog beginning on the date on which the dog is adopted under such section 2583.

''(c) ADMINISTRATION.—(1) The Secretary shall administer the system required by this section under a contract awarded by the Secretary for that purpose.

''(2)(A) The contract under this subsection shall be awarded to a private non-profit entity selected by the Secretary from among such entities submitting an application therefor that have such experience and expertise as the Secretary considers appropriate for purposes of this subsection.

''(B) An entity seeking the award of a contract under this subsection shall submit to the Secretary an application therefor in such form, and containing such information, as the Secretary shall require.

''(3) The term of any contract under this subsection shall be such duration as the Secretary shall specify.

''(d) STANDARDS OF CARE.—(1) The veterinary care provided under the system required by this section shall meet such standards as the Secretary shall establish and from time to time update.

''(2) The standards required by this subsection shall include the following:

''(A) Provisions regarding the types of care to be provided to retired military working dogs.

''(B) Provisions regarding the entities (including private veterinarians and entities) qualified to provide the care.

''(C) Provisions regarding the facilities, including military installations, government facilities, and private facilities, in which the care may be provided.

''(D) A requirement that complete histories be maintained on the health and use in research of retired military working dogs.

''(E) Such other matters as the Secretary considers appropriate.

''(3) The Secretary shall consult with the board of directors of the non-profit private entity awarded the contract under subsection (c) in establishing and updating standards of care under this subsection.

''(e) COVERAGE OF COSTS.—(1) Except as provided in paragraph (2), any costs of operation and administration of the system required by this section, and of any veterinary care provided under the system, shall be covered by such combination of the following as the Secretary and the non-profit entity awarded the contract under subsection (c) jointly consider appropriate:

''(A) Contributions from the non-profit entity.

''(B) Payments for such care by owners or guardians of the retired military working dogs receiving such care.

''(C) Other appropriate non-Federal sources of funds.

''(2) Funds provided by the Federal Government—

''(A) may not be used—

''(i) to provide veterinary care under the system required by this section; or

''(ii) to pay for the normal operation of the non-profit entity awarded the contract under subsection (c); and

''(B) may be used to carry out the duties of the Secretary under subsections (a), (c), (d), and (f).

''(f) REGULATIONS.—The Secretary shall prescribe regulations for the discharge of the requirements and authorities in this section, including regulations on the standards of care required by subsection (d).''.

(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. Military working dogs: veterinary care for retired military working dogs.''.

(2) REGULATIONS.—The Secretary of Defense shall prescribe the regulations required by subsection (f) of section 993 of title 10, United States Code (as added by paragraph (1)), not later than 180 days after the date of the enactment of this Act.

(c) RECOGNITION OF SERVICE OF MILITARY WORKING DOGS.—Section 1125 of such title is amended—

(1) by inserting ''(a) GENERAL AUTHORITY.—'' before ''The Secretary of Defense''; and

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

''(b) RECOGNITION OF SERVICE OF MILITARY WORKING DOGS.—The Secretary of Defense shall create a decoration or other appropriate recognition to recognize military working dogs under the jurisdiction of the Secretary that are killed in action or perform an exceptionally meritorious or courageous act in service to the United States.''.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2013, as follows:

(1) The Army, 552,100.

(2) The Navy, 322,700.

(3) The Marine Corps, 197,300.

(4) The Air Force, 330,383.

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, 552,100.

''(2) For the Navy, 322,700.

''(3) For the Marine Corps, 197,300.

''(4) For the Air Force, 330,383.''.

SEC. 403. LIMITATIONS ON END STRENGTH REDUCTIONS FOR REGULAR COMPONENT OF THE ARMY AND MARINE CORPS.

(a) ANNUAL CERTIFICATION.—Subject to subsections (b) and (c), if the President determines that a reduction in end strength of the regular component of the Army or Marine Corps (or both) is necessary for any of fiscal years 2014 through 2017, the President shall submit to Congress, with the budget request for that fiscal year, a certification that the reduction in end strength, should the assumptions of the National Security Strategy prescribed by the President in the most recent annual national security strategy report under section 108 of the National Security Act of 1947 (50 U.S.C. 404a) prove to be incorrect, will not—

(1) undermine the ability of the Armed Forces to meet the requirements of the National Security Strategy;

(2) increase security risks for the United States; or

(3) compel members of the Armed Forces to endure diminished dwell time and repeated deployments.

(b) ANNUAL LIMITATION ON REDUCTIONS.—

(1) ARMY.—The end strength of the regular component of the Army shall not be reduced by more than 15,000 members during each of fiscal years 2014 through 2017 from the end strength of the regular component of the Army at the end of the preceding fiscal year.

(2) MARINE CORPS.—The end strength of the regular component of the Marine Corps shall not be reduced by more than 5,000 members during each of fiscal years 2014 through 2017 from the end strength of the regular component of the Marine Corps at the end of the preceding fiscal year.

(c) BUDGETING REQUIREMENT.—The budget for the Department of Defense for each of fiscal years 2014 through 2017 as submitted to Congress—

(1) shall include amounts for maintaining an end strength of the regular component of the Army and the Marine Corps sufficient to comply with the active duty end strengths prescribed in section 691(b) of title 10, United States Code; and

(2) shall not rely on any emergency, supplemental, or overseas contingency operations funding.

SEC. 404. EXCLUSION OF MEMBERS WITHIN THE INTEGRATED DISABILITY EVALUATION SYSTEM FROM END STRENGTH LEVELS FOR ACTIVE FORCES.

(a) EXCLUSION.—A member of the Armed Forces who is within the Integrated Disability Evaluation System as of the last day of any of fiscal years 2013 through 2018 shall not be counted toward the end strength levels for active duty members of the Armed Forces prescribed for that fiscal year.

(b) FUNDING SOURCE.—The Secretary of Defense shall use funds authorized to be appropriated for overseas contingency operations being carried out by the Armed Forces to cover any military personnel expenses incurred as a result of the exclusion under subsection (a) of members of the Armed Forces from the end strengths levels for active forces.

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, 2013, as follows:

(1) The Army National Guard of the United States, 358,200.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 62,500.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,005.

(6) The Air Force Reserve, 72,428.

(7) The Coast Guard Reserve, 9,000.

(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, 2013, 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, 16,277.

(3) The Navy Reserve, 10,114.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,952.

(6) The Air Force Reserve, 2,888.

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 2013 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 National Guard of the United States, 27,210.

(2) For the Army Reserve, 8,395.

(3) For the Air National Guard of the United States, 22,272.

(4) For the Air Force Reserve, 10,946.

SEC. 414. FISCAL YEAR 2013 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, 2013, 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, 2013, 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, 2013, 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 2013, 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 2013 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 2013.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

SEC. 501. LIMITATION ON NUMBER OF NAVY FLAG OFFICERS ON ACTIVE DUTY.

(a) ADDITIONAL FLAG OFFICER AUTHORIZED.—Section 526(a)(2) of title 10, United States Code, is amended by striking ''160'' and inserting ''161''.

(b) CORRESPONDING CHANGE IN COMPUTING NUMBER OF FLAG OFFICERS IN STAFF CORPS OF THE NAVY.—Section 5150(c) of such title is amended by striking the last sentence.

SEC. 502. EXCEPTION TO REQUIRED RETIREMENT AFTER 30 YEARS OF SERVICE FOR REGULAR NAVY WARRANT OFFICERS IN THE GRADE OF CHIEF WARRANT OFFICER, W–5.

Section 1305(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''A regular warrant officer (other than a regular Army warrant officer)'' and inserting ''Subject to paragraphs (2) and (3), a regular warrant officer''; and

(B) by striking ''he'' and inserting ''the officer''; and

(2) by adding at the end the following new paragraph:

''(3) In the case of a regular Navy warrant officer in the grade of chief warrant officer, W–5, the officer shall be retired 60 days after the date on which the officer completes 33 years of total active service.''.

SEC. 503. AIR FORCE CHIEF AND DEPUTY CHIEF OF CHAPLAINS.

(a) ESTABLISHMENT OF POSITIONS; APPOINTMENT.—Chapter 805 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 8039. Chief and Deputy Chief of Chaplains: appointment; duties

''(a) CHIEF OF CHAPLAINS.—(1) There is a Chief of Chaplains in the Air Force, appointed by the President, by and with the advice and consent of the Senate, from officers of the Air Force designated under section 8067(h) of this title as chaplains who—

''(A) are serving in the grade of colonel or above;

''(B) are serving on active duty; and

''(C) have served on active duty as a chaplain for at least eight years.

''(2) An officer appointed as the Chief of Chaplains shall be appointed for a term of three years. However, the President may terminate or extend the appointment at any time.

''(3) The Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Air Force and by law.

''(b) DEPUTY CHIEF OF CHAPLAINS.—(1) There is a Deputy Chief of Chaplains in the Air Force, appointed by the President, by and with the advice and consent of the Senate, from officers of the Air Force designated under section 8067(h) of this title as chaplains who—

''(A) are serving in the grade of colonel;

''(B) are serving on active duty; and

''(C) have served on active duty as a chaplain for at least eight years.

''(2) An officer appointed as the Deputy Chief of Chaplains shall be appointed for a term of three years. However, the President may terminate or extend the appointment at any time.

''(3) The Deputy Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Air Force and the Chief of Chaplains and by law.

''(c) SELECTION BOARD.—Under regulations approved by the Secretary of Defense, the Secretary of the Air Force, in selecting an officer for recommendation to the President for appointment as the Chief of Chaplains or the Deputy Chief of Chaplains, shall ensure that the officer selected is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to the selection boards convened under chapter 36 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''8039. Chief and Deputy Chief of Chaplains: appointment; duties.''.

SEC. 504. EXTENSION OF TEMPORARY AUTHORITY TO REDUCE MINIMUM LENGTH OF ACTIVE SERVICE AS A COMMISSIONED OFFICER REQUIRED FOR VOLUNTARY RETIREMENT AS AN OFFICER.

(a) ARMY.—Section 3911(b)(2) of title 10, United States Code, is amended by striking ''September 30, 2013'' and inserting ''September 30, 2018''.

(b) NAVY AND MARINE CORPS.—Section 6323(a)(2)(B) of such title is amended by striking ''September 30, 2013'' and inserting ''September 30, 2018''.

(c) AIR FORCE.—Section 8911(b)(2) of such title is amended by striking ''September 30, 2013'' and inserting ''September 30, 2018''.

SEC. 505. TEMPORARY INCREASE IN THE TIME-IN-GRADE RETIREMENT WAIVER LIMITATION FOR LIEUTENANT COLONELS AND COLONELS IN THE ARMY, AIR FORCE, AND MARINE CORPS AND COMMANDERS AND CAPTAINS IN THE NAVY.

Section 1370(a)(2)(F) of title 10, United States Code, is amended—

(1) by striking ''the period ending on December 31, 2007'' and inserting ''fiscal years 2013 through 2018'';

(2) by striking ''Air Force'' and inserting ''Army, Air Force, and Marine Corps''; and

(3) by striking ''in the period''.

SEC. 506. MODIFICATION TO LIMITATIONS ON NUMBER OF OFFICERS FOR WHOM SERVICE-IN-GRADE REQUIREMENTS MAY BE REDUCED FOR RETIREMENT IN GRADE UPON VOLUNTARY RETIREMENT.

Section 1370(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (E)—

(A) by inserting ''(i)'' after ''exceed''; and

(B) by inserting before the period at the end the following: ''or (ii) in the case of officers of that armed forces in a grade specified in subparagraph (G), two officers, whichever number is greater''; and

(2) by adding at the end the following new subparagraph:

''(G) Notwithstanding subparagraph (E), during fiscal years 2013 through 2017, the total number of brigadier generals and major generals of the Army, Air Force, and Marine Corps, and the total number of rear admirals (lower half) and rear admirals of the Navy, for whom a reduction is made under this section during any fiscal year of service-in-grade otherwise required under this paragraph—

''(i) for officers of the Army, Navy, and Air Force, may not exceed five percent of the authorized active-duty strength for that fiscal year for officers of that armed force in those grades; and

''(ii) for officers of the Marine Corps, may not exceed 10 percent of the authorized active-duty

strength for that fiscal year for officers in those grades.''.

SEC. 507. DIVERSITY IN MILITARY LEADERSHIP AND RELATED REPORTING REQUIREMENTS.

(a) PLAN TO ACHIEVE MILITARY LEADERSHIP REFLECTING DIVERSITY OF UNITED STATES POPULATION.—

(1) IN GENERAL.—Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 656. Diversity in military leadership: plan

''(a) PLAN.—The Secretary of Defense shall develop and implement a plan to accurately measure the efforts of the Department of Defense to achieve a dynamic, sustainable level of members of the armed forces (including reserve components) that, among both commissioned officers and senior enlisted personnel of each armed force, will reflect the diverse population of the United States eligible to serve in the armed forces, including gender specific, racial, and ethnic populations. Any metric established pursuant to this subsection may not be used in a manner that undermines the merit-based processes of the Department of Defense, including such processes for accession, retention, and promotion. Such metrics may not be combined with the identification of specific quotas based upon diversity characteristics. The Secretary shall continue to account for diversified language and cultural skills among the total force of the military.

''(b) METRICS TO MEASURE PROGRESS IN DEVELOPING AND IMPLEMENTING PLAN.—In developing and implementing the plan under subsection (a), the Secretary of Defense shall develop a standard set of metrics and collection procedures that are uniform across the armed forces. The metrics required by this subsection shall be designed—

''(1) to accurately capture the inclusion and capability aspects of the armed forces broader diversity plans, including race, ethnic, and gender specific groups, functional expertise, and diversified cultural and language skills as to leverage and improve readiness; and

''(2) to be verifiable and systematically linked to strategic plans that will drive improvements.

''(c) DEFINITION OF DIVERSITY.—In developing and implementing the plan under subsection (a), the Secretary of Defense shall develop a uniform definition of diversity.

''(d) CONSULTATION.—Not less than annually, the Secretary of Defense shall meet with the Secretaries of the military departments, the Joint Chiefs of Staff, and senior enlisted members of the armed forces to discuss the progress being made toward developing and implementing the plan established under subsection (a).

''(e) COOPERATION WITH STATES.—The Secretary of Defense shall coordinate with the National Guard Bureau and States in tracking the progress of the National Guard toward developing and implementing the plan established under subsection (a).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''656. Diversity in military leadership: plan.''.

(b) INCLUSION IN DOD MANPOWER REQUIREMENTS REPORT.—Section 115a(c) of such title is amended by adding at the end the following new paragraphs:

''(4) The progress made in implementing the plan required by section 656 of this title to accurately measure the efforts of the Department to reflect the diverse population of the United States eligible to serve in the armed forces.

''(5) The number of members of the armed forces, including reserve components, listed by sex and race or ethnicity for each rank under each military department.

''(6) The number of members of the armed forces, including reserve components, who were promoted during the year covered by the report, listed by sex and race or ethnicity for each rank under each military department.

''(7) The number of members of the armed forces, including reserve components, who reenlisted or otherwise extended the commitment to military service during the year covered by the report, listed by sex and race or ethnicity for each rank under each military department.

''(8) The available pool of qualified candidates for the general officer grades of general and lieutenant general and the flag officer grades of admiral and vice admiral.''.

Subtitle B—Reserve Component Management

SEC. 511. CODIFICATION OF STAFF ASSISTANT POSITIONS FOR JOINT STAFF RELATED TO NATIONAL GUARD AND RESERVE MATTERS.

(a) CODIFICATION OF EXISTING POSITIONS.—Chapter 5 of title 10, United States Code, is amended by inserting after section 155 the following new section:

''§ 155a. Assistants to the Chairman of the Joint Chiefs of Staff for National Guard matters and for Reserve matters

''(a) ESTABLISHMENT OF POSITIONS.—The Secretary of Defense shall establish the following positions within the Joint Staff:

''(1) Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters.

''(2) Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters.

''(b) SELECTION.—(1) The Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters shall be selected by the Chairman from officers of the Army National Guard of the United States or the Air Guard of the United States who—

''(A) are recommended for such selection by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

''(B) have had at least 10 years of federally recognized commissioned service in the National Guard and significant joint duty experience, as determined by the Chairman of the Joint Chiefs of Staff; and

''(C) are in a grade above the grade of colonel.

''(2) The Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters shall be selected by the Chairman from officers of the Army Reserve, the Navy Reserve, the Marine Corps Reserve, or the Air Force Reserve who—

''(A) are recommended for such selection by the Secretary of the military department concerned;

''(B) have had at least 10 years of commissioned service in their reserve component and significant joint duty experience, as determined by the Chairman of the Joint Chiefs of Staff; and

''(C) are in a grade above the grade of colonel or, in the case of the Navy Reserve, captain.

''(c) TERM OF OFFICE.—Each Assistant to the Chairman of the Joint Chiefs of Staff under subsection (a) serves at the pleasure of the Chairman for a term of two years and may be continued in that assignment in the same manner for one additional term. However, in time of war there is no limit on the number of terms.

''(d) GRADE.—Each Assistant to the Chairman of the Joint Chiefs of Staff under subsection (a), while so serving, holds the grade of major general or, in the case of the Navy Reserve, rear admiral. Each such officer shall be considered to be serving in a position covered by the limited exclusion from the authorized strength of general officers and flag officers on active duty provided by section 526(b) of this title.

''(e) DUTIES.—(1) The Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters is an adviser to the Chairman on matters relating to the National Guard and performs the duties prescribed for that position by the Chairman.

''(2) The Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters is an adviser to the Chairman on matters relating to the reserves and performs the duties prescribed for that position by the Chairman.

''(f) OTHER RESERVE COMPONENT REPRESENTATION ON JOINT STAFF.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs, shall develop appropriate policy guidance to ensure that, to the maximum extent practicable, the level of representation of reserve component officers on the Joint Staff is commensurate with the significant role of the reserve components within the armed forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 155 the following new item:

''155a. Assistants to the Chairman of the Joint Chiefs of Staff for National Guard matters and for Reserve matters.''.

(c) REPEAL OF SUPERSEDED LAW.—Section 901 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 155 note) is repealed.

SEC. 512. AUTOMATIC FEDERAL RECOGNITION OF PROMOTION OF CERTAIN NATIONAL GUARD WARRANT OFFICERS.

Section 310(a) of title 32, United States Code, is amended—

(1) by inserting ''(1)'' before ''Notwithstanding''; and

(2) by adding at the end the following new paragraph:

''(2) Notwithstanding sections 307 and 309 of this title, if a warrant officer, W–1, of the National Guard is promoted to the grade of chief warrant officer, W–2, to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade of chief warrant officer, W–2, effective as of the date on which that officer has completed the service in the grade prescribe by the Secretary concerned under section 12242 of title 10, if the warrant officer has remained in an active status since the warrant officer was so recommended.''.

Subtitle C—General Service Authorities

SEC. 521. MODIFICATIONS TO CAREER INTERMISSION PILOT PROGRAM.

(a) EXTENSION OF PROGRAMS TO INCLUDE ACTIVE GUARD AND RESERVE PERSONNEL.—Subsection (a)(1) of section 533 of Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4449; 10 U.S.C. 701 prec.) is amended by inserting after ''officers and enlisted members of the regular components'' the following: '', and members of the Active Guard and Reserve (as defined in section 101(b)(16) of title 10, United States Code),''.

(b) AUTHORITY TO CARRY FORWARD UNUSED ACCRUED LEAVE.—Subsection (h) of such section is amended by adding at the end the following new paragraph:

''(5) LEAVE.—A member who participates in a pilot program is entitled to carry forward the leave balance, existing as of the day on which the member begins participation and accumulated in accordance with section 701 of title 10, United States Code, but not to exceed 60 days.''.

(c) AUTHORITY FOR DISABILITY PROCESSING.—Subsection (j) of such section is amended—

(1) by striking ''for purposes of the entitlement'' and inserting ''for purposes of—

''(1) the entitlement'';

(2) by striking the period at the end and inserting ''; and''; and

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

''(2) retirement or separation for physical disability under the provisions of chapters 55 and 61 of title 10, United States Code.''.

SEC. 522. AUTHORITY FOR ADDITIONAL BEHAVIORAL HEALTH PROFESSIONALS TO CONDUCT PRE-SEPARATION MEDICAL EXAMS FOR POST-TRAUMATIC STRESS DISORDER.

Section 1177(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''or psychiatrist'' and inserting ''psychiatrist, licensed clinical social worker, or psychiatric nurse practitioner''; and

(2) in paragraph (3), by striking ''or psychiatrist'' and inserting '', psychiatrist, licensed clinical social worker, or psychiatric nurse practitioner''.

SEC. 523. AUTHORITY TO ACCEPT VOLUNTARY SERVICES TO ASSIST DEPARTMENT OF DEFENSE EFFORTS TO ACCOUNT FOR MISSING PERSONS.

Section 1501(a)(6) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) Notwithstanding section 1342 of title 31, the Secretary of Defense may accept voluntary services provided by individuals or non–Federal entities to further the purposes of this chapter.''.

SEC. 524. AUTHORIZED LEAVE AVAILABLE FOR MEMBERS OF THE ARMED FORCES UPON BIRTH OR ADOPTION OF A CHILD.

Section 701 of title 10, United States Code, is amended—

(1) by striking subsections (i) and (j) and inserting the following new subsection:

''(i)(1) A member of the armed forces who gives birth to a child or who adopts a child in a qualifying child adoption and will be primary caregiver for the adopted child shall receive 42 days of leave after the birth or adoption to be used in connection with the birth or adoption of the child.

''(2) A married member of the armed forces on active duty whose wife gives birth to a child or who adopts a child in a qualifying child adoption, but will not be primary caregiver for the adopted child, shall receive 10 days of leave to be used in connection with the birth or adoption of the child.

''(3) If two members of the armed forces who are married to each other adopt a child in a qualifying child adoption, only one of the members may be designated as primary caregiver for purposes of paragraph (1). In the case of a dual-military couple, the member authorized leave under paragraph (1) and the member authorized leave under paragraph (2) may utilize the leave at the same time.

''(4) For the purpose of this subsection, an adoption of a child by a member is a qualifying child adoption if the member is eligible for reimbursement of qualified adoption expenses for such adoption under section 1052 of this title.

''(5) Leave authorized under this subsection is in addition to other leave provided under other provisions of this section.

''(6) The Secretary of Defense may prescribe such regulations as may be necessary to carry out this subsection.''; and

(2) by redesignating subsection (k) as subsection (j).

SEC. 525. COMMAND RESPONSIBILITY AND ACCOUNTABILITY FOR REMAINS OF MEMBERS OF THE ARMY, NAVY, AIR FORCE, AND MARINE CORPS WHO DIE OUTSIDE THE UNITED STATES.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall take such steps as may be necessary to ensure that there is continuous, designated military command responsibility and accountability for the care, handling, and transportation of the remains of each deceased member of the Army, Navy, Air Force, or Marine Corps who died outside the United States, beginning with the initial recovery of the remains, through the defense mortuary system, until the interment of the remains or the remains are otherwise accepted by the person designated as provided by section 1482(c) of title 10, United States Code, to direct disposition of the remains.

SEC. 526. REPORT ON FEASIBILITY OF DEVELOPING GENDER-NEUTRAL OCCUPATIONAL STANDARDS FOR MILITARY OCCUPATIONAL SPECIALTIES CURRENTLY CLOSED TO WOMEN.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the feasibility of incorporating gender-neutral occupational standards for military occupational specialties closed, as of the date of the enactment of this Act, to female members of the Armed Forces.

SEC. 527. COMPLIANCE WITH MEDICAL PROFILES ISSUED FOR MEMBERS OF THE ARMED FORCES.

(a) COMPLIANCE REQUIREMENT.—The Secretary of a military department shall ensure that commanding officers—

(1) do not prohibit or otherwise restrict the ability of physicians and other licensed healthcare providers to issue a medical profile for a member of the Armed Forces; and

(2) comply with the terms of a medical profile issued to a member of the Armed Forces is assigning duties to the member.

(b) LIMITED WAIVER AUTHORITY.—The first general officer or flag officer in the chain of command of a member of the Armed Forces covered by a medical profile may authorize, on a case-by-case basis, a temporary waiver of the compliance requirement imposed by subsection (a)(2) if the officer determines that the assignment of duties to the member in violation of the terms of the medical profile is vital to ensuring the readiness of the member and the unit.

(c) MEDICAL PROFILE DEFINED.—In this section, the term ''medical profile'', with respect to a member of the Armed Forces, means a limitation imposed by a physician or other licensed health-care provider on the physical activity of the member on account of an illness or injury to facilitate the member's recovery or reduce the seriousness of the illness or injury.

Subtitle D—Military Justice and Legal Matters

SEC. 531. CLARIFICATION AND ENHANCEMENT OF THE ROLE OF STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

(a) APPOINTMENT BY THE PRESIDENT AND PERMANENT APPOINTMENT TO GRADE OF MAJOR GENERAL.—Subsection (a) of section 5046 of title 10, United States Code, is amended—

(1) in the first sentence, by striking ''detailed'' and inserting ''appointed by the President, by and with the advice and consent of the Senate,''; and

(2) by striking the second sentence and inserting the following: ''If the officer to be appointed as the Staff Judge Advocate to the Commandant of the Marine Corps holds a grade lower than the grade of major general immediately before the appointment, the officer shall be appointed in the grade of major general.''.

(b) DUTIES, AUTHORITY, AND ACCOUNTABILITY.—Such section is further amended—

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

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

''(c) The Staff Judge Advocate to the Commandant of the Marine Corps, under the direction of the Commandant of the Marine Corps and the Secretary of the Navy, shall—

''(1) perform such duties relating to legal matters arising in the Marine Corps as may be assigned to the Staff Judge Advocate;

''(2) perform the functions and duties, and exercise the powers, prescribed for the Staff Judge Advocate to the Commandant of the Marine Corps in chapters 47 (the Uniform Code of Military Justice) and 53 of this title; and

''(3) perform such other duties as may be assigned to the Staff Judge Advocate.''.

(c) COMPOSITION OF HEADQUARTERS, MARINE CORPS.—Section 5041(b) of such title is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4) The Staff Judge Advocate to the Commandant of the Marine Corps.''.

(d) SUPERVISION OF CERTAIN LEGAL SERVICES.—

(1) ADMINISTRATION OF MILITARY JUSTICE.—Section 806(a) of such title (article 6(a) of the Uniform Code of Military Justice) is amended in the third sentence by striking ''or senior members of his staff'' and inserting '', the Staff Judge Advocate to the Commandant of the Marine Corps, or senior members of their staffs''.

(2) DELIVERY OF LEGAL ASSISTANCE.—Section 1044(b) of such title is amended by inserting ''and, within the Marine Corps, the Staff Judge Advocate to the Commandant of the Marine Corps'' after ''jurisdiction of the Secretary''.

SEC. 532. PERSONS WHO MAY EXERCISE DISPOSITION AUTHORITY REGARDING CHARGES INVOLVING CERTAIN SEXUAL MISCONDUCT OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) PERSONS WHO MAY EXERCISE DISPOSITION AUTHORITY.—

(1) DISPOSITION AUTHORITY.—With respect to any charge under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice) that alleges an offense specified in paragraph (2), the Secretary of Defense shall require the Secretaries of the military departments to restrict disposition authority under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) to officers of the Armed Forces who have the authority to convene special courts-martial under section 823 of such chapter (article 23 of the Uniform Code of Military Justice), but no lower than the first colonel, or in the case of the Navy, the first captain, with a legal advisor (or access to a legal advisor) in the chain of command of the person accused of committing the offense.

(2) COVERED OFFENSES.—Paragraph (1) applies with respect to a charge that alleges any of the following offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice):

(A) Rape or sexual assault under subsection (a) or (b) of section 920 of such chapter (article 120).

(B) Forcible sodomy under section 925 of such chapter (article 125).

(C) An attempt to commit an offense specified in paragraph (1) or (2), as punishable under section 880 of such chapter (article 80).

(b) IMPLEMENTATION.—

(1) SERVICE SECRETARIES.—The Secretaries of the military departments shall revise policies and procedures as necessary to comply with subsection (a).

(2) SECRETARY OF DEFENSE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall recommend such changes to the Manual for Courts-Martial as are necessary to ensure compliance with subsection (a).

(c) RECOMMENDATION OF ADDITIONAL CHANGES TO MANUAL FOR COURTS-MARTIAL OR UCMJ POLICY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall make recommendations for additional changes to the Manual for Courts-Martial or to Department of Defense policies that would—

(1) ensure the consideration of the material facts regarding an alleged offense specified in subsection (a)(2) or other sexual offense under sections 920 through 920c of title 10, United States Code (articles 120 through 120c of the Uniform Code of Military Justice) is given precedence over the consideration of the character of the military service of the person accused of the sexual offense; and

(2) require all commanders who receive a report or complaint alleging an offense specified in subsection (a)(2) to refer the report or complaint to the Defense Criminal Investigative Service, Army Criminal Investigative Command, Naval Criminal Investigative Service, or Air Force Office of Special Investigations, as the case may be.

SEC. 533. INDEPENDENT REVIEW AND ASSESSMENT OF UNIFORM CODE OF MILITARY JUSTICE AND JUDICIAL PROCEEDINGS OF SEXUAL ASSAULT CASES.

(a) INDEPENDENT REVIEW AND ASSESSMENT.—The Secretary of Defense shall establish an independent panel to conduct an independent review and assessment of judicial proceedings under the Uniform Code of Military Justice involving sexual assault and related offenses for the purpose of developing potential improvements to such proceedings.

(b) INDEPENDENT PANEL FOR REVIEW.—

(1) COMPOSITION.—The panel shall be composed of five members, appointed by the Secretary of Defense from among private United States citizens who have expertise in military law, civilian law, prosecution of sexual assaults in Federal criminal court, military justice policies, the missions of the Armed Forces, or offenses relating to rape, sexual assault, and other sexual misconduct under the Uniform Code of Military Justice.

(2) CHAIR.—The chair of the panel shall be appointed by the Secretary from among the members of the panel appointed under paragraph (1).

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(4) DEADLINE FOR APPOINTMENTS.—All original appointments to the panel shall be made not later than 120 days after the date of the enactment of this Act.

(5) MEETINGS.—The panel shall meet at the call of the chair.

(6) FIRST MEETING.—The chair shall call the first meeting of the panel not later than 60 days after the date of the appointment of all the members of the panel.

(7) DURATION.—The panel shall expire on September 30, 2017.

(c) DUTIES.—

(1) ANNUAL REPORT ON IMPLEMENTATION OF UCMJ AMENDMENTS.—The panel shall prepare annual reports regarding the implementation of the reforms to the offenses relating to rape, sexual assault, and other sexual misconduct under the Uniform Code of Military Justice enacted by section 541 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1404).

(2) REVIEW AND CONSULTATION.—In preparing the reports, the panel shall review, evaluate, and assess the following:

(A) The advisory sentencing guidelines given by judges in Federal courts and how those guidelines compare to advisory sentencing guidance provided to panels rendering punishments in court-martial proceedings, including whether it would be more beneficial for advisory sentencing guidelines to be provided to panels or for discretion to be given to judges regarding whether to issue advisory sentencing guidelines.

(B) The punishments or administrative actions taken in response to sexual assault court-martial proceedings, including the number of punishments or administrative actions taken as rendered by a panel and the number of punishments or administrative actions rendered by a judge and the consistency and proportionality of the decisions, punishments, and administrative actions to the facts of each case compared with Federal and State criminal courts.

(C) The court-martial convictions of sexual assaults in the year covered by the report and the number and description of instances when punishments were reduced upon appeal and the instances in which the defendant appealed following a plea agreement, if such information is available.

(D) The number of instances in which the previous sexual conduct of the alleged victim was considered in Article 32 proceedings and any instances where previous sexual conduct was deemed to be inadmissible.

(E) The number of instances in which evidence of the previous sexual conduct of the alleged victim was introduced by the defense in a court-martial what impact that evidence had on the case.

(F) The training level of defense and prosecution trial counsel, including an inventory of the experience of JAG lead trial counsel in each instance and any existing standards or requirements for lead counsel, including their experience in defending or prosecuting sexual assault and related offenses.

(G) Such other matters and materials as the panel considers appropriate for purposes of the reports.

(3) UTILIZATION OF OTHER STUDIES.—In preparing the reports, the panel may review, and incorporate as appropriate, the findings of applicable ongoing and completed studies.

(4) FIRST REPORT.—Not later than 180 days after its first meeting, the panel shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives its first report under this subsection. The panel shall include proposals for such legislative or administrative action as the panel considers appropriate in light of its review.

(d) POWERS OF PANEL.—

(1) HEARINGS.—The panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers appropriate to carry out its duties under this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request by the chair of the panel, any department or agency of the Federal Government may provide information that the panel considers necessary to carry out its duties under this section.

(e) PERSONNEL MATTERS.—

(1) PAY OF MEMBERS.—Members of the panel shall serve without pay by reason of their work on the panel.

(2) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance or services for the panel.

SEC. 534. COLLECTION AND RETENTION OF RECORDS ON DISPOSITION OF REPORTS OF SEXUAL ASSAULT.

(a) COLLECTION.—The Secretary of Defense shall require that the Secretary of each military department establish a record on the disposition of any report of sexual assault, whether such disposition is court martial, nonjudicial punishment, or other administrative action. The record of any such disposition shall include the following, as appropriate:

(1) Documentary information collected about the incident reported, other than investigator case notes.

(2) Punishment imposed, including the sentencing by judicial or non-judicial means including incarceration, fines, restriction, and extra duty as a result of military court-martial, Federal and local court and other sentencing, or any other punishment imposed.

(3) Administrative actions taken, if any.

(4) Any pertinent referrals offered as a result of the incident (such as drug and alcohol counseling and other types of counseling or intervention).

(b) RETENTION.—The Secretary of Defense shall require that—

(1) the records established pursuant to subsection (a) be retained by the Department of Defense for a period of not less than 20 years; and

(2) a copy of such records be maintained at a centralized location for the same period as applies to retention of the records under paragraph (1).

SEC. 535. BRIEFING, PLAN, AND RECOMMENDATIONS REGARDING EFFORTS TO PREVENT AND RESPOND TO HAZING INCIDENTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) BRIEFING AND PLAN REQUIRED.—Not later than May 1, 2013, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing and plan that outlines efforts by the Department of Defense—

(1) to prevent the hazing of members of the Armed Forces by other members of the Armed Forces; and

(2) to respond to and resolve alleged hazing incidents involving members of the Armed Forces, including the prosecution of offenders through the use of punitive articles under subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

(b) DATABASE.—The plan required by subsection (a) shall include the establishment of a database for the purpose of improving the ability of the Department of Defense—

(1) to determine the extent to which hazing incidents involving members of the Armed Forces are occurring and the nature of such hazing incidents; and

(2) to track, respond to, and resolve hazing incidents involving members of the Armed Forces.

(c) RECOMMENDATIONS.—As part of the briefing required by subsection (a), the Secretary of Defense shall submit such recommendations for changes to the Uniform Code of Military Justice and the Manual for Courts-Martial as the Secretary of Defense considers necessary to improve the prosecution of hazing incidents.

(d) CONSULTATION.—The Secretary of Defense shall prepare the plan, database, and recommendations required by this section in consultation with the Secretaries of the military departments.

(e) HAZING DESCRIBED.—For purposes of carrying out this section, the Secretary of Defense shall use the definition of hazing contained in the August 28, 1997, Secretary of Defense Policy Memorandum, which defined hazing as any conduct whereby a member of the Armed Forces, regardless of branch or rank, without proper authority causes another member to suffer, or be exposed to, any activity which is cruel, abusive, humiliating, oppressive, demeaning, or harmful. Soliciting or coercing another person to perpetrate any such activity is also considered hazing. Hazing need not involve physical contact among or between members of the Armed Forces. Hazing can be verbal or psychological in nature. Actual or implied consent to acts of hazing does not eliminate the culpability of the perpetrator.

SEC. 536. PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.

(a) PROTECTION.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1034 the following new section:

''§ 1034a. Protection of rights of conscience of members of the Armed Forces and chaplains of such members

''(a) PROTECTION OF RIGHTS OF CONSCIENCE.—The Armed Forces shall accommodate the conscience and sincerely held moral principles and religious beliefs of the members of the Armed Forces concerning the appropriate and inappropriate expression of human sexuality and may not use such conscience, principles, or beliefs as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment. Nothing in this subsection precludes disciplinary action for conduct that is proscribed by chapter 47 of this title (the Uniform Code of Military Justice).

''(b) PROTECTION OF CHAPLAINS.—(1) For purposes of this title, a military chaplain is—

''(A) a certified religious leader or clergy of a faith community who, after satisfying the professional and educational requirements of the

commissioning service, is commissioned as an officer in the Chaplains Corps of one of the branches of the Armed Forces; and

''(B) a representative of the faith group of the chaplain, who remains accountable to the endorsing faith group for the religious ministry involved to members of the Armed Forces, to—

''(i) provide for the religious and spiritual needs of members of the Armed Forces of that faith group; and

''(ii) facilitate the religious needs of members of the Armed Forces of other faith groups.

''(2) No member of the Armed Forces may—

''(A) direct, order, or require a chaplain to perform any duty, rite, ritual, ceremony, service, or function that is contrary to the conscience, moral principles, or religious beliefs of the chaplain, or contrary to the moral principles and religious beliefs of the endorsing faith group of the chaplain; or

''(B) discriminate or take any adverse personnel action against a chaplain, including denial of promotion, schooling, training, or assignment, on the basis of the refusal by the chaplain to comply with a direction, order, or requirement prohibited by subparagraph (A).

''(c) REGULATIONS.—The Secretary of Defense shall issue regulations implementing the protections afforded by this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by inserting after the item relating to section 1034 the following new item:

1034a. Protection of rights of conscience of members of the Armed Forces and chaplains of such members.

SEC. 537. USE OF MILITARY INSTALLATIONS AS SITES FOR MARRIAGE CEREMONIES OR MARRIAGE-LIKE CEREMONIES.

A military installation or other property owned or rented by, or otherwise under the jurisdiction or control of, the Department of Defense may not be used to officiate, solemnize, or perform a marriage or marriage-like ceremony involving anything other than the union of one man with one woman.

Subtitle E—Member Education and Training Opportunities and Administration

SEC. 541. TRANSFER OF TROOPS-TO-TEACHERS PROGRAM FROM DEPARTMENT OF EDUCATION TO DEPARTMENT OF DEFENSE AND ENHANCEMENTS TO THE PROGRAM.

(a) TRANSFER OF FUNCTIONS.—

(1) TRANSFER.—The responsibility and authority for operation and administration of the Troops-to-Teachers Program in 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.) is transferred from the Secretary of Education to the Secretary of Defense.

(2) EFFECTIVE DATE.—The transfer under paragraph (1) shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act, or on such earlier date as the Secretary of Education and the Secretary of Defense may jointly provide.

(b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE 10, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1154. Assistance to eligible members and former members to obtain employment as teachers: troops-to-teachers program

''(a) DEFINITIONS.—In this section:

''(1) CHARTER SCHOOL.—The term 'charter school' has the meaning given that term in section 5210(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i(1)).

''(2) ELIGIBLE SCHOOL.—The term 'eligible school' means—

''(A) a public school, including a charter school, at which—

''(i) at least 30 percent of the students enrolled in the school are from families with incomes below 185 percent of poverty level (as defined by the Office of Management and Budget and revised at least annually in accordance with section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)) applicable to a family of the size involved; or

''(ii) at least 13 percent of the students enrolled in the school qualify for assistance under part B of the Individuals with Disabilities Education Act; or

''(B) a Bureau-funded school as defined in section 1141(3) of the Education Amendments of 1978 (25 U.S.C. 2021(3)).

''(3) HIGH-NEED SCHOOL.—The term 'high-need school' means—

''(A) an elementary or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible to for free and reduced priced lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the number of children eligible to receive medical assistance under the Medicaid program, or a composite of these indicators;

''(B) a high school in which at least 40 percent of enrolled students are children from low-income families, which may be calculated using comparable data from feeder schools; or

''(C) a school that is in a local educational agency that is eligible under section 6211(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7345(b)).

''(4) MEMBER OF THE ARMED FORCES.—The term 'member of the armed forces' includes a retired or former member of the armed forces.

''(5) PARTICIPANT.—The term 'participant' means an eligible member of the armed forces selected to participate in the Program.

''(6) PROGRAM.—The term 'Program' means the Troops-to-Teachers Program authorized by this section.

''(7) SECRETARY.—The term 'Secretary' means the Secretary of Defense.

''(8) ADDITIONAL TERMS.—The terms 'elementary school', 'local educational agency', 'secondary school', and 'State' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(b) PROGRAM AUTHORIZATION.—The Secretary of Defense may carry out a Troops-to-Teachers Program—

''(1) to assist eligible members of the armed forces described in subsection (d) to obtain certification or licensing as elementary school teachers, secondary school teachers, or career or technical teachers; and

''(2) to facilitate the employment of such members—

''(A) by local educational agencies or charter schools that the Secretary of Education identifies as—

''(i) receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et. seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

''(ii) experiencing a shortage of teachers, in particular a shortage of science, mathematics, special education, foreign language, or career or technical teachers; and

''(B) in elementary schools or secondary schools, or as career or technical teachers.

''(c) COUNSELING AND REFERRAL SERVICES.—The Secretary may provide counseling and referral services to members of the armed forces who do not meet the eligibility criteria described in subsection (d), including the education qualification requirements under paragraph (3)(B) of such subsection.

''(d) ELIGIBILITY AND APPLICATION PROCESS.—

''(1) ELIGIBLE MEMBERS.—The following members of the armed forces are eligible for selection to participate in the Program:

''(A) Any member who—

''(i) on or after October 1, 1999, becomes entitled to retired or retainer pay under this title or title 14;

''(ii) has an approved date of retirement that is within one year after the date on which the member submits an application to participate in the Program; or

''(iii) has been transferred to the Retired Reserve.

''(B) Any member who, on or after January 8, 2002—

''(i)(I) is separated or released from active duty after four or more years of continuous active duty immediately before the separation or release; or

''(II) has completed a total of at least six years of active duty service, six years of service computed under section 12732 of this title, or six years of any combination of such service; and

''(ii) executes a reserve commitment agreement for a period of not less than three years under paragraph (5)(B).

''(C) Any member who, on or after January 8, 2002, is retired or separated for physical disability under chapter 61 of this title.

''(2) SUBMISSION OF APPLICATIONS.—(A) Selection of eligible members of the armed forces to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in subparagraph (B). An application shall be in such form and contain such information as the Secretary may require.

''(B) In the case of an eligible member of the armed forces described in subparagraph (A)(i), (B), or (C) of paragraph (1), an application shall be considered to be submitted on a timely basis under if the application is submitted not later than three years after the date on which the member is retired, separated, or released from active duty, whichever applies to the member.

''(3) SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS; HONORABLE SERVICE REQUIREMENT.—(A) The Secretary shall prescribe the criteria to be used to select eligible members of the armed forces to participate in the Program.

''(B) If a member of the armed forces is applying for the Program to receive assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

''(C) If a member of the armed forces is applying for the Program to receive assistance for placement as a career or technical teacher, the Secretary shall require the member—

''(i) to have received the equivalent of one year of college from an accredited institution of higher education or the equivalent in military education and training as certified by the Department of Defense; or

''(ii) to otherwise meet the certification or licensing requirements for a career or technical teacher in the State in which the member seeks assistance for placement under the Program.

''(D) A member of the armed forces is eligible to participate in the Program only if the member's last period of service in the armed forces was honorable, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member's last period of service is characterized as honorable by the Secretary concerned.

''(4) SELECTION PRIORITIES.—In selecting eligible members of the armed forces to receive assistance under the Program, the Secretary—

''(A) shall give priority to members who—

''(i) have educational or military experience in science, mathematics, special education, foreign language, or career or technical subjects; and

''(ii) agree to seek employment as science, mathematics, foreign language, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency; and

''(B) may give priority to members who agree to seek employment in a high-need school.

''(5) OTHER CONDITIONS ON SELECTION.—(A) Subject to subsection (i), the Secretary may not select an eligible member of the armed forces to participate in the Program and receive financial assistance unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (e) with respect to the member.

''(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program and receive financial assistance under subsection (e) unless the member executes a written agreement to serve as a member of the Selected Reserve of a reserve component of the armed forces for a period of not less than three years.

''(e) PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.—

''(1) PARTICIPATION AGREEMENT.—(A) An eligible member of the armed forces selected to participate in the Program under subsection (b) and to receive financial assistance under this subsection shall be required to enter into an agreement with the Secretary in which the member agrees—

''(i) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or career or technical teacher; and

''(ii) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or career or technical teacher for not less than three school years in an eligible school to begin the school year after obtaining that certification or licensing.

''(B) The Secretary may waive the three-year commitment described in subparagraph (A)(ii) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (f), for failure to meet the three-year commitment.

''(2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant shall not be considered to be in violation of the participation agreement entered into under paragraph (1) during any period in which the participant—

''(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

''(B) is serving on active duty as a member of the armed forces;

''(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

''(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

''(E) is unable to find full-time employment as a teacher in an elementary school or secondary school or as a career or technical teacher for a single period not to exceed 27 months; or

''(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

''(3) STIPEND AND BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (C), the Secretary may pay to a participant a stipend to cover expenses incurred by the participant to obtain the required educational level, certification or licensing. Such stipend may not exceed $5,000 and may vary by participant.

''(B)(i) Subject to subparagraph (C), the Secretary may pay a bonus to a participant who agrees in the participation agreement under paragraph (1) to accept full-time employment as an elementary school teacher, secondary school teacher, or career or technical teacher for not less than three school years in an eligible school.

''(ii) The amount of the bonus may not exceed $5,000, unless the eligible school is a high-need school, in which case the amount of the bonus may not exceed $10,000. Within such limits, the bonus may vary by participant and may take into account the priority placements as determined by the Secretary.

''(C)(i) The total number of stipends that may be paid under subparagraph (A) in any fiscal year may not exceed 5,000.

''(ii) The total number of bonuses that may be paid under subparagraph (B) in any fiscal year may not exceed 3,000.

''(iii) A participant may not receive a stipend under subparagraph (A) if the participant is eligible for benefits under chapter 33 of title 38.

''(iv) The combination of a stipend under subparagraph (A) and a bonus under subparagraph (B) for any one participant may not exceed $10,000.

''(4) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this subsection to a participant shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

''(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

''(1) REIMBURSEMENT REQUIRED.—A participant who is paid a stipend or bonus under this subsection shall be subject to the repayment provisions of section 373 of title 37 under the following circumstances:

''(A) The participant fails to obtain teacher certification or licensing or to obtain employment as an elementary school teacher, secondary school teacher, or career or technical teacher as required by the participation agreement under subsection (e)(1).

''(B) The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or career or technical teacher during the three years of required service in violation of the participation agreement.

''(C) The participant executed a written agreement with the Secretary concerned under subsection (d)(5)(B) to serve as a member of a reserve component of the armed forces for a period of three years and fails to complete the required term of service.

''(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (e) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the three years of required service.

''(3) INTEREST.—Any amount owed by a participant under this subsection shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

''(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

''(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—Except as provided in subsection (e)(3)(C)(iii), the receipt by a participant of a stipend or bonus under subsection (e) shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or 33 of title 38 or chapter 1606 of this title.

''(h) PARTICIPATION BY STATES.—

''(1) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

''(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the armed forces for participation in the Program and facilitating the employment of participants as elementary school teachers, secondary school teachers, and career or technical teachers.

''(B) The total amount of grants made under subparagraph (A) in any fiscal year may not exceed $5,000,000.

''(i) LIMITATION ON TOTAL FISCAL-YEAR OBLIGATIONS.—The total amount obligated by the Secretary under the Program for any fiscal year may not exceed $15,000,000.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program.''.

(c) CONFORMING AMENDMENT.—Subparagraph (C) of section 1142(b)(4) of such title is amended by striking ''section 2302'' and all that follows through the end of the subparagraph and inserting ''under section 1154 of this title.''.

(d) TERMINATION OF DEPARTMENT OF EDUCATION TROOPS-TO-TEACHERS PROGRAM.—

(1) TERMINATION.—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.) is repealed.

(2) CLERICAL AMENDMENT.—The table of contents in section 2 of the Elementary and Secondary Education Act 1965 is amended by striking the items relating to chapter A of subpart 1 of part C of title II of such Act.

(3) EXISTING AGREEMENTS.—The repeal of 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.) by paragraph (1) shall not affect—

(A) the validity or terms of any agreement entered into under such chapter, as in effect immediately before such repeal, before the effective date of the transfer of the Troops-to-Teachers Program under subsection (a); or

(B) the authority to pay assistance, make grants, or obtain reimbursement in connection with such an agreement as in effect before the effective date of the transfer of the Troops-to-Teachers Program under subsection (a).

SEC. 542. SUPPORT OF NAVAL ACADEMY ATHLETIC AND PHYSICAL FITNESS PROGRAMS.

(a) AUTHORITY TO SUPPORT PROGRAMS.—Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6981. Support of athletic and physical fitness programs

''(a) AUTHORITY.—The Secretary of the Navy may enter into agreements, including cooperative agreements (as described in section 6305 of title 31), with the Naval Academy Athletic Association and its successors and assigns (in this section referred to as the 'association') to manage any aspect of the athletic and physical fitness programs of the Naval Academy.

''(b) AUTHORITY TO PROVIDE SUPPORT TO ASSOCIATION.—(1) The Secretary of the Navy may to transfer funds to the association to pay expenses incurred by the association in managing the athletic and physical fitness programs of the Naval Academy.

''(2) The Secretary may provide personal property and the services of members of the naval service and civilian personnel of the Department of the Navy to assist the association in managing the athletic and physical fitness programs of the Naval Academy.

''(c) ACCEPTANCE OF GIFTS FROM THE ASSOCIATION.—The Secretary of the Navy may accept from the association funds, supplies, and services for the support of the athletic and physical fitness programs of the Naval Academy.

''(d) RECEIPT AND RETENTION OF FUNDS FROM ASSOCIATION AND OTHER SOURCES.—(1) The Secretary of the Navy may receive from the association funds generated by the athletic and physical fitness programs of the Naval Academy and any other activity of the association and to retain and use such funds to further the mission of the Naval Academy. Receipt and retention of such funds shall be subject to oversight by the Secretary.

''(2) The Secretary may accept, use, and retain funds from the National Collegiate Athletic Association and to transfer all or part of those funds to the association for the support of the athletic and physical fitness programs of the Naval Academy.

''(e) USER FEES.—The Secretary of the Navy may charge user fees to the association for the association's use of Naval Academy facilities for the conduct of summer athletic camps. Fees collected under this subsection may be retained for use in support of the Naval Academy athletic program and shall remain available until expended.

''(f) LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.—(1) The Secretary of the Navy may enter into an agreement with the association authorizing the association to represent the Department of the Navy in connection with licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Naval Academy, to the extent authorized by the Chief of Naval Research and in accordance with sections 2260 and 5022 of this title.

''(2) Notwithstanding section 2260(d)(2) of this title, any funds generated by the licensing, marketing, and sponsorship under a agreement entered into under paragraph (1) may be accepted, used, and retained by the Secretary, or transferred by the Secretary to the association, for—

''(A) payment of the costs of securing trademark registrations and operating of licensing programs; or

''(B) supporting the athletic and physical fitness programs of the Naval Academy.

''(g) AUTHORIZED SERVICE ON BOARD OF DIRECTORS.—The Secretary may authorize members of the naval service and civilian personnel of the Department of the Navy to serve in accordance with sections 1033 and 1589 of this title as members of the governing board of the association.

''(h) CONDITIONS.—The authority provided in this section with respect to the association is available only so long as the association continues—

''(1) to qualify as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986

''(2) to operate in accordance with this section, the laws of the State of Maryland, and the constitution and bylaws of the association; and

''(3) to operate exclusively to support the athletic and physical fitness programs of the Naval Academy.

''(i) CONGRESSIONAL NOTIFICATION.—Not later than 60 days after the date on which the Secretary of the Navy enters into an agreement under the authority of this section, the Secretary shall provide a copy of the agreement to the congressional defense committees.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''6981. Support of athletic and physical fitness programs.''.

SEC. 543. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REVIEW OF ACCESS TO MILITARY INSTALLATIONS BY REPRESENTATIVES OF FOR-PROFIT EDUCATIONAL INSTITUTIONS.

(a) REVIEW REQUIRED.—The Inspector General of the Department of Defense shall conduct a review to determine the extent of the access that representatives of for-profit educational institutions have to military installations and whether there are adequate safeguards in place to regulate such access.

(b) ELEMENTS OF REVIEW.—The review shall determine at a minimum the following:

(1) The extent to which representatives of for-profit educational institutions are accessing military installations for marketing and recruitment purposes.

(2) Whether there uniform and robust enforcement of DOD Directive 1344.07.

(3) Whether additional Department rules, policies, or oversight mechanisms should be put in place to regulate such practices.

(c) INSPECTOR GENERAL ACCESS.—The Secretary of Defense shall ensure that the Inspector General has access to all Department of Defense records and military installations for the purpose of conducting the review.

Subtitle F—Decorations and Awards

SEC. 551. ISSUANCE OF PRISONER-OF-WAR MEDAL.

Section 1128(a)(4) of title 10, United States Code, is amended by striking ''that are hostile to the United States,''.

SEC. 552. AWARD OF PURPLE HEART TO MEMBERS OF THE ARMED FORCES WHO WERE VICTIMS OF THE ATTACKS AT RECRUITING STATION IN LITTLE ROCK, ARKANSAS, AND AT FORT HOOD, TEXAS.

(a) AWARD REQUIRED.—The Secretary of the military department concerned shall award the Purple Heart to the members of the Armed Forces who were killed or wounded in the attacks that occurred at the recruiting station in Little Rock, Arkansas, on June 1, 2009, and at Fort Hood, Texas, on November 5, 2009.

(b) EXCEPTION.—Subsection (a) shall not apply to a member of the Armed Forces whose wound was the result of the willful misconduct of the member.

Subtitle G—Defense Dependents' Education and Military Family Readiness Matters

SEC. 561. 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 2013 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $25,000,000 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 2013 by 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 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. 562. TRANSITIONAL COMPENSATION FOR DEPENDENT CHILDREN WHO WERE CARRIED DURING PREGNANCY AT THE TIME OF DEPENDENT-ABUSE OFFENSE COMMITTED BY AN INDIVIDUAL WHILE A MEMBER OF THE ARMED FORCES.

(a) DEFINITION OF DEPENDENT CHILD.—Subsection (l) of section 1059 of title 10, United States Code, is amended in the matter preceding paragraph (1) by striking ''at the time of the dependent-abuse offense resulting in the separation of the former member'' and inserting ''or eligible spouse or former spouse at the time of the dependent-abuse offense resulting in the separation of the former member or who was carried during pregnancy at the time of the dependent-abuse offense resulting in the separation of the former member and was subsequently born alive to the eligible spouse or former spouse''.

(b) DETERMINATION OF PAYMENT AMOUNT.—Subsection (f) of such section is amended by adding at the end the following new paragraph:

''(4) A payment to a child under this section shall not cover any period during which the child was in utero.''.

(c) PROSPECTIVE APPLICABILITY.—No benefits shall accrue by reason of the amendments made by this section for any month that begins before the date of the enactment of this Act.

SEC. 563. MODIFICATION OF AUTHORITY TO ALLOW DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS TO ENROLL CERTAIN STUDENTS.

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(k) ENROLLMENT OF RELOCATED DEFENSE DEPENDENTS' EDUCATION SYSTEM STUDENTS.—(1) The Secretary of Defense may authorize the enrollment in a Department of Defense education program provided by the Secretary pursuant to subsection (a) of a dependent of a member of the armed forces or a dependent of a Federal employee who is enrolled in the defense dependents' education system established under section 1402 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921) if—

''(A) the dependents departed the overseas location as a result of a evacuation order;

''(B) the designated safe haven of the dependent is located within reasonable commuting distance of a school operated by the Department of Defense education program; and

''(C) the school possesses the capacity and resources necessary to enable the student to attend the school.

''(2) A dependent described in paragraph (1) who is enrolled in a school operated by the Department of Defense education program pursuant to such paragraph may attend the school only through the end of the school year.

''(l) ENROLLMENT IN VIRTUAL ELEMENTARY AND SECONDARY EDUCATION PROGRAM.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary may authorize the enrollment in the virtual elementary and secondary education program established as a component of the Department of Defense education program of a dependent of a member of the armed forces on active duty who—

''(A) is enrolled in an elementary or secondary school operated by a local educational agency or another accredited educational program in the United States (other than a school operated by the Department of Defense education program); and

''(B) immediately before such enrollment, was enrolled in the defense dependents' education system established under section 1402 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921).

''(2) Enrollment of a dependent described in paragraph (1) pursuant to such paragraph shall be on a tuition basis.''.

SEC. 564. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

"SEC. 208. CHILD CUSTODY PROTECTION.

''(a) RESTRICTION ON TEMPORARY CUSTODY ORDER.—If a court renders a temporary order for custodial responsibility for a child based solely on a deployment or anticipated deployment of a parent who is a servicemember, then the court shall require that, upon the return of the servicemember from deployment, the custody order that was in effect immediately preceding the temporary order shall be reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (b).

''(b) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion or a petition is filed seeking a permanent order to modify the custody of the child of a servicemember, no court may consider the absence of the servicemember by reason of deployment, or the possibility of deployment, in determining the best interest of the child.

''(c) NO FEDERAL JURISDICTION OR RIGHT OF ACTION OR REMOVAL.—Nothing in this section shall create a Federal right of action or otherwise give rise to Federal jurisdiction or create a right of removal.

''(d) PREEMPTION.—In any case where State law applicable to a child custody proceeding involving a temporary order as contemplated in this section provides a higher standard of protection to the rights of the parent who is a deploying servicemember than the rights provided under this section with respect to such temporary order, the appropriate court shall apply the higher State standard.

''(e) DEPLOYMENT DEFINED.—In this section, the term 'deployment' means the movement or mobilization of a servicemember to a location for a period of longer than 60 days and not longer than 18 months pursuant to temporary or permanent official orders—

''(1) that are designated as unaccompanied;

''(2) for which dependent travel is not authorized; or

''(3) that otherwise do not permit the movement of family members to that location.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

''208. Child custody protection.''.

SEC. 565. TREATMENT OF RELOCATION OF MEMBERS OF THE ARMED FORCES FOR ACTIVE DUTY FOR PURPOSES OF MORTGAGE REFINANCING.

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act is amended by inserting after section 303 (50 U.S.C. App. 533) the following new section:

"SEC. 303A. TREATMENT OF RELOCATION OF SERVICEMEMBERS FOR ACTIVE DUTY FOR PURPOSES OF MORTGAGE REFINANCING.

''(a) TREATMENT OF ABSENCE FROM RESIDENCE DUE TO ACTIVE DUTY.—While a servicemember who is the mortgagor under an existing mortgage does not reside in the residence that secures the existing mortgage because of a relocation described in subsection (c)(1)(B), if the servicemember inquires about or applies for a covered refinancing mortgage, the servicemember shall be considered, for all purposes relating to the covered refinancing mortgage (including such inquiry or application and eligibility for, and compliance with, any underwriting criteria and standards regarding such covered refinancing mortgage) to occupy the residence that secures the existing mortgage to be paid or prepaid by such covered refinancing mortgage as the principal residence of the servicemember during the period of such relocation.

''(b) LIMITATION.—Subsection (a) shall not apply with respect to a servicemember who inquires about or applies for a covered refinancing mortgage if, during the 5-year period preceding the date of such inquiry or application, the servicemember entered into a covered refinancing mortgage pursuant to this section.

''(c) DEFINITIONS.—In this section:

''(1) EXISTING MORTGAGE.—The term 'existing mortgage' means a mortgage that is secured by a 1- to 4-family residence, including a condominium or a share in a cooperative ownership housing association, that was the principal residence of a servicemember for a period that—

''(A) had a duration of 13 consecutive months or longer; and

''(B) ended upon the relocation of the servicemember caused by the servicemember receiving military orders for a permanent change of station or to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than 18 months that did not allow the servicemember to continue to occupy such residence as a principal residence.

''(2) COVERED REFINANCING MORTGAGE.—The term 'covered refinancing mortgage' means any mortgage that—

''(A) is made for the purpose of paying or prepaying, and extinguishing, the outstanding obligations under an existing mortgage or mortgages; and

''(B) is secured by the same residence that secured such existing mortgage or mortgages.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 303 the following new item:

''303A. Treatment of relocation of servicemembers for active duty for purposes of mortgage refinancing.''.

SEC. 566. SENSE OF CONGRESS REGARDING SUPPORT FOR YELLOW RIBBON DAY.

(a) FINDINGS.—Congress makes the following findings:

(1) The hopes and prayers of the American people for the safe return of members of the Armed Forces serving overseas are demonstrated through the proud display of yellow ribbons.

(2) The designation of a ''Yellow Ribbon Day'' would serve as an additional reminder for all Americans of the continued sacrifice of members of the Armed Forces.

(3) Yellow Ribbon Day would also recognize the history and meaning of the Yellow Ribbon as the symbol of support for members of the Armed Forces and American civilians serving in combat or crisis situations overseas.

(b) SENSE OF CONGRESS.—Congress supports the goals and ideals of Yellow Ribbon Day, observed on April 9th each year, in honor of members of the Armed Forces and American civilians who are serving overseas in defense of the United States apart from their families and loved ones.

Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces

SEC. 571. ESTABLISHMENT OF SPECIAL VICTIM TEAMS TO RESPOND TO ALLEGATIONS OF CHILD ABUSE, SERIOUS DOMESTIC VIOLENCE, OR SEXUAL OFFENSES.

(a) ESTABLISHMENT REQUIRED.—The Secretary of each military department shall establish special victim teams for the purpose of—

(1) investigating and prosecuting allegations of child abuse, serious domestic violence, or sexual offenses; and

(2) providing support for the victims of such offenses.

(b) PERSONNEL.—A special victim team shall be comprised of specially trained and selected—

(1) investigators from the Defense Criminal Investigative Service, Army Criminal Investigative Command, Naval Criminal Investigative Service, or Air Force Office of Special Investigations;

(2) judge advocates;

(3) victim witness assistance personnel; and

(4) administrative paralegal support personnel.

(c) TRAINING, SELECTION, AND CERTIFICATION STANDARDS.—The Secretary of each military department shall prescribe standards for the training, selection, and certification of personnel for special victim teams established by that Secretary.

(d) TIME FOR ESTABLISHMENT.—

(1) DISCRETION REGARDING NUMBER OF TEAMS NEEDED.—The Secretary of a military department shall determine the total number of special victim teams to be established, and prescribe regulations for their management and use, in order to provide effective, timely, and responsive world-wide support for the purposes described in subsection (a). Not later than 270 days after the date of the enactment of this Act, each Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan and time line for the establishment of the special victim teams that the Secretary has determined are needed.

(2) INITIAL TEAM.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall have available for use at least one special victim team.

(e) EVALUATION OF EFFECTIVENESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe the common criteria to be used by the Secretaries of the military departments to measure the effectiveness and impact of the special victim teams from the investigative, prosecutorial, and victim's perspectives, and require the Secretaries of the military departments to collect and report the data required by the Secretary of Defense.

(f) SPECIAL VICTIM TEAM DEFINED.—In this section, the term ''special victim team'' means a distinct, recognizable group of appropriately skilled professionals who work collaboratively to achieve the purposes described in subsection (a). This section does not require that a special victim team be created as separate military unit or have a separate chain of command.

SEC. 572. ENHANCEMENT TO TRAINING AND EDUCATION FOR SEXUAL ASSAULT PREVENTION AND RESPONSE.

Section 585 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1434) is amended by adding at the end the following new subsections:

''(d) COMMANDERS' TRAINING.—The Secretary of Defense shall provide for the inclusion of a sexual assault prevention and response training module in the training for new or prospective commanders at all levels of command. The training shall be tailored to the responsibilities and leadership requirements of members of the Armed Forces as they are assigned to command positions. Such training shall include the following:

''(1) Fostering a command climate that does not tolerate sexual assault.

''(2) Fostering a command climate in which persons assigned to the command are encouraged to intervene to prevent potential incidents of sexual assault.

''(3) Fostering a command climate that encourages victims of sexual assault to report any incident of sexual assault.

''(4) Understanding the needs of, and the resources available to, the victim after an incident of sexual assault.

''(5) Use of military criminal investigative organizations for the investigation of alleged incidents of sexual assault.

''(6) Available disciplinary options, including court-martial, non-judicial punishment, administrative action, and deferral of discipline for collateral misconduct, as appropriate.

''(e) EXPLANATION TO BE INCLUDED IN INITIAL ENTRY AND ACCESSION TRAINING.—

''(1) REQUIREMENT.—The Secretary of Defense shall require that the matters specified in paragraph (2) be carefully explained to each member

of the Army, Navy, Air Force, and Marine Corps at the time of (or within fourteen duty days after)—

''(A) the member's initial entrance on active duty; or

''(B) the member's initial entrance into a duty status with a reserve component.

''(2) MATTERS TO BE EXPLAINED.—This subsection applies with respect to the following:

''(A) Department of Defense policy with respect to sexual assault.

''(B) The resources available with respect to sexual assault reporting and prevention and the procedures to be followed by a member seeking to access those resources.''.

SEC. 573. ENHANCEMENT TO REQUIREMENTS FOR AVAILABILITY OF INFORMATION ON SEXUAL ASSAULT PREVENTION AND RESPONSE RESOURCES.

(a) REQUIRED POSTING OF INFORMATION ON SEXUAL ASSAULT PREVENTION AND RESPONSE RESOURCES.—

(1) POSTING.—The Secretary of Defense shall require that there be prominently posted, in accordance with paragraph (2), notice of the following information relating to sexual assault prevention and response, in a form designed to ensure visibility and understanding:

(A) Resource information for members of the Armed Forces, military dependents, and civilian personnel of the Department of Defense with respect to prevention of sexual assault and reporting of incidents of sexual assault.

(B) Contact information for personnel who are designated as Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.

(C) The Department of Defense ''hotline'' telephone number, referred to as the Safe Helpline, for reporting incidents of sexual assault, or any successor operation.

(2) POSTING PLACEMENT.—Posting under subsection (a) shall be at the following locations, to the extent practicable:

(A) Any Department of Defense duty facility.

(B) Any Department of Defense dining facility.

(C) Any Department of Defense multi-unit residential facility.

(D) Any Department of Defense health care facility.

(E) Any Department of Defense commissary or exchange.

(F) Any Department of Defense Community Service Agency.

(b) NOTICE TO VICTIMS OF AVAILABLE ASSISTANCE.—The Secretary of Defense shall require that procedures in the Department of Defense for responding to a complaint or allegation of sexual assault submitted by or against a member of the Armed Forces include prompt notice to the person making the complaint or allegation of the forms of assistance available to that person from the Department of Defense and, to the extent known to the Secretary, through other departments and agencies, including State and local agencies, and other sources.

SEC. 574. MODIFICATION OF ANNUAL DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS REGARDING SEXUAL ASSAULTS.

(a) GREATER DETAIL IN CASE SYNOPSES PORTION OF REPORT.—Section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note) is amended by adding at the end the following new subsection:

''(f) ADDITIONAL DETAILS FOR CASE SYNOPSES PORTION OF REPORT.—The Secretary of each military department shall include in the case synopses portion of each report described in subsection (b)(3) the following additional information:

''(1) If an Article 32 Investigating Officer recommends dismissal of the charges against a member of the Armed Forces accused of committing a sexual assault, the case synopsis shall explicitly state the reasons for that recommendation.

''(2) If the case synopsis states that a member of the Armed Forces accused of committing a sexual assault was administratively separated or, in the case of an officer, allowed to resign in lieu of facing a court martial, the case synopsis shall include the characterization (honorable, general, or other than honorable) given the service of the member upon separation.

''(3) The case synopsis shall indicate whether a member of the Armed Forces accused of committing a sexual assault was ever previously accused of a substantiated sexual assault.

''(4) The case synopsis shall indicate the branch of the Armed Forces of each member accused of committing a sexual assault and the branch of the Armed Forces of each member who is a victim of a sexual assault.

''(5) If the case disposition includes non-judicial punishment, the case synopsis shall explicitly state the nature of the punishment.

''(6) If alcohol was involved in any way in a substantiated sexual assault incident, the case synopsis shall specify whether the member of the Armed Forces accused of committing the sexual assault had previously been ordered to attend substance abuse counseling.''.

(b) APPLICATIONS FOR CERTAIN TRANSFERS BY SEXUAL ASSAULT VICTIMS.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(7) The number of applications submitted under section 673 of title 10, United States Code, during the year covered by the report for a permanent change of station or unit transfer for members of the Armed Forces on active duty who are the victim of a sexual assault or related offense, the number of applications denied, and, for each application denied, a description of the reasons why the application was denied.''.

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply beginning with the report regarding sexual assaults involving members of the Armed Forces required to be submitted by March 1, 2013, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

SEC. 575. INCLUSION OF SEXUAL HARASSMENT INCIDENTS IN ANNUAL DEPARTMENT OF DEFENSE REPORTS ON SEXUAL ASSAULTS.

Effective with the report required to be submitted by March 1, 2013, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note), the Secretary of each military department shall include in each annual report required by that section information on sexual harassment involving members of the Armed Forces under the jurisdiction of that Secretary during the preceding year. For purposes of complying with this section, the Secretary of the military department concerned shall apply subsection (b) of such section 1631 by substituting the term ''sexual harassment'' for ''sexual assault'' each place it appears in paragraphs (1) through (4) of such subsection.

SEC. 576. CONTINUED SUBMISSION OF PROGRESS REPORTS REGARDING CERTAIN INCIDENT INFORMATION MANAGEMENT TOOLS.

(a) REPORTS REQUIRED.—Not later than August 28, 2012, and every six months thereafter until the date determined under subsection (b), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the progress made during the previous six months to ensure that both of the following are fully functional and operational:

(1) The Defense Incident-Based Reporting System.

(2) The Defense Sexual Assault Incident Database.

(b) DURATION OF REPORTING REQUIREMENT.—The reporting requirement imposed by subsection (a) shall continue until the date on which the Secretary of Defense certifies, in a report submitted under such subsection, that—

(1) the Defense Incident-Based Reporting System and the Defense Sexual Assault Incident Database are fully functional and operational throughout the Department of Defense; and

(2) each of the military departments is using the Defense Incident-Based Reporting System or providing data for inclusion in the Defense Sexual Assault Incident Database.

(c) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 598 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2345; 10 U.S.C. 113 note) is repealed.

SEC. 577. BRIEFINGS ON DEPARTMENT OF DEFENSE ACTIONS REGARDING SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE ARMED FORCES.

Not later than October 31, 2012, and April 30, 2013, the Secretary of Defense (or the designee of the Secretary of Defense) shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing that outlines efforts by the Department of Defense to implement—

(1) subtitle H of title V of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1430) and the amendments made by that subtitle;

(2) the additional initiatives announced by the Secretary of Defense on April 17, 2012, to address sexual assault involving members of the Armed Forces; and

(3) any other initiatives, policies, or programs being undertaken by the Secretary of Defense and the Secretaries of the military departments to address sexual assault involving members of the Armed Forces.

SEC. 578. ARMED FORCES WORKPLACE AND GENDER RELATIONS SURVEYS.

(a) ADDITIONAL CONTENT OF SURVEYS.—Subsection (c) of section 481 of title 10, United States Code, is amended—

(1) by striking ''harassment and discrimination'' and inserting ''harassment, assault, and discrimination'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) The specific types of assault that have occurred, and the number of times each respondent has been assaulted during the preceding year.'';

(4) in paragraph (4), as so redesignated, by striking ''discrimination'' and inserting ''discrimination, harassment, and assault''; and

(5) by adding at the end the following new paragraph

''(5) Any other issues relating to discrimination, harassment, or assault as the Secretary of Defense considers appropriate.''.

(b) TIME FOR CONDUCTING OF SURVEYS.—Such section is further amended—

(1) in subsection (a)(1), by striking ''four quadrennial surveys (each in a separate year)'' and inserting ''four surveys''; and

(2) by striking subsection (d) and inserting the following new subsection:

''(d) WHEN SURVEYS REQUIRED.—(1) One of the two Armed Forces Workplace and Gender Relations Surveys shall be conducted in 2014 and then every second year thereafter and the other Armed Forces Workplace and Gender Relations Survey shall be conducted in 2015 and then every second year thereafter, so that one of the two surveys is being conducted each year.

''(2) The two Armed Forces Workplace and Equal Opportunity Surveys shall be conducted at least once every four years. The two surveys may not be conducted in the same year.''.

SEC. 579. REQUIREMENT FOR COMMANDERS TO CONDUCT ANNUAL ORGANIZATIONAL CLIMATE ASSESSMENTS.

(a) REQUIREMENT.—The Secretary of Defense shall require the commander of each covered unit to conduct an organizational climate assessment within 120 days after the commander assumes command and annually thereafter.

(b) DEFINITIONS.—In this section:

(1) COVERED UNIT.—The term ''covered unit'' means any organizational element of the Armed Forces (other than the Coast Guard) with more than 50 members assigned, including any such element of a reserve component.

(2) ORGANIZATIONAL CLIMATE ASSESSMENT.—The term ''organizational climate assessment'' means an assessment intended to obtain information about the positive and negative factors that may have an impact on unit effectiveness and readiness by measuring matters relating to human relations climate such as prevention and response to sexual assault and equal opportunity.

SEC. 580. ADDITIONAL REQUIREMENTS FOR ORGANIZATIONAL CLIMATE ASSESSMENTS.

(a) ELEMENTS OF ASSESSMENTS.—An organizational climate assessment shall include avenues for members of the Armed Forces to express their views on how their leaders, including commanders, are responding to allegations of sexual assault and complaints of sexual harassment. The Secretary of Defense shall require the Office of Diversity Management and Equal Opportunity and the Sexual Assault Prevention and Response Office to ensure equal opportunity advisors and officers of the Sexual Assault Prevention and Response Office are available to conduct these assessments.

(b) ENSURING COMPLIANCE.—

(1) IN GENERAL.—The Secretary of Defense shall direct the Secretaries of the military departments to verify and track the compliance of commanding officers in conducting organizational climate assessments.

(2) IMPLEMENTATION.—No later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(A) a description of the progress of the development of the system that will verify and track the compliance of commanding officers in conducting organizational climate assessments; and

(B) an estimate of when the system will be completed and implemented.

(c) CONSULTATION.—In developing the sexual harassment and sexual assault portion of an organizational climate assessment, the Secretary of Defense shall consult with representatives of the following:

(1) The Sexual Assault Prevention and Response Office.

(2) The Office of Diversity Management.

(3) Appropriate non-Governmental organizations that have expertise in areas related to sexual harassment and sexual assault in the Armed Forces.

(d) RELATION TO OTHER REPORTING REQUIREMENTS.—The reporting requirements of this section are in addition to, and an expansion of, the Armed Forces Workplace and Gender Relations Surveys required by section 481 of title 10, United States Code.

SEC. 581. REVIEW OF UNRESTRICTED REPORTS OF SEXUAL ASSAULT AND SUBSEQUENT SEPARATION OF MEMBERS MAKING SUCH REPORTS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of all unrestricted reports of sexual assault made by members of the Armed Forces since October 1, 2000, to determine the number of members who were subsequently separated from the Armed Forces and the circumstances of and grounds for such separation.

(b) ELEMENTS OF REVIEW.—The review shall determine at a minimum the following:

(1) For each member who made an unrestricted report of sexual assault and was subsequently separated, the reason provided for the separation and whether the member requested an appeal.

(2) For each member separated on the grounds of having a personality disorder, whether the separation was carried out in compliance with Department of Defense Instruction 1332.14.

(3) For each member who requested an appeal, the basis and results of the appeal.

(c) SUBMISSION OF RESULTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the review.

SEC. 582. LIMITATION ON RELEASE FROM ACTIVE DUTY OR RECALL TO ACTIVE DUTY OF RESERVE COMPONENT MEMBERS WHO ARE VICTIMS OF SEXUAL ASSAULT WHILE ON ACTIVE DUTY.

(a) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 12323. Active duty for response to sexual assault

''(a) CONTINUATION ON ACTIVE DUTY.—In the case of a member of a reserve component who is the alleged victim of sexual assault committed while on active duty and who is expected to be released from active duty before the determination of whether the member was assaulted while in the line of duty, the Secretary concerned may, upon the request of the member, order the member to be retained on active duty until the line of duty determination, but not to exceed 180 days beyond the original expiration of active duty date. A member eligible for continuation on active duty under this subsection shall be informed as soon as practicable after the alleged assault of the option to request continuation on active duty under this subsection.

''(b) RETURN TO ACTIVE DUTY.—In the case of a member of a reserve component not on active duty who is the alleged victim of a sexual assault that occurred while the member was on active duty and when the determination whether the member was in the line of duty is not completed, the Secretary concerned may, upon the request of the member, order the member to active duty for such time as necessary to complete the line of duty determination, but not to exceed 180 days.

''(c) REGULATIONS.—The Secretaries of the military departments shall prescribe regulations to carry out this section, subject to guidelines prescribed by the Secretary of Defense. The guidelines of the Secretary of Defense shall provide that—

''(1) a request submitted by a member described in subsection (a) or (b) to continue on active duty, or to be ordered to active duty, respectively, must be decided within 30 days from the date of the request; and

''(2) if the request is denied, the member may appeal to the first general officer or flag officer in the chain of command of the member, and in the case of such an appeal a decision on the appeal must be made within 15 days from the date of the appeal.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended adding at the end the following new item:

''12323. Active duty for response to sexual assault.''.

SEC. 583. INCLUSION OF INFORMATION ON SUBSTANTIATED REPORTS OF SEXUAL HARASSMENT IN MEMBER'S OFFICIAL SERVICE RECORD.

(a) INCLUSION.—If a complaint of sexual harassment is made against a member of the Army, Navy, Air Force, or Marine Corps and the complaint is substantiated, a notation to that effect shall be placed in the service record of the member, regardless of the member's rank, for the purpose of—

(1) reducing the likelihood that a member who has committed sexual harassment can commit the same offense multiple times without suffering the appropriate consequences; and

(2) alerting commanders of the background of the members of their command, so the commanders have better awareness of its members, especially as members are transferred.

(b) DEFINITION OF SUBSTANTIATED.—For purposes of implementing this section, the Secretary of Defense shall use the definition of substantiated developed for the annual report on sexual assaults involving members of the Armed Forces prepared under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note).

Subtitle I—Other Matters

SEC. 590. INCLUSION OF FREELY ASSOCIATED STATES WITHIN SCOPE OF JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

Section 2031(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) If a secondary educational institution in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau otherwise meets the conditions imposed by subsection (b) on the establishment and maintenance of units of the Junior Reserve Officers' Training Corps, the Secretary of a military department may establish and maintain a unit of the Junior Reserve Officers' Training Corps at the secondary educational institution even though the secondary educational institution is not a United States secondary educational institution.''.

SEC. 591. PRESERVATION OF EDITORIAL INDEPENDENCE OF STARS AND STRIPES.

To preserve the actual and perceived editorial and management independence of the Stars and Stripes newspaper, the Secretary of Defense shall extend the lease for the commercial office space in the District of Columbia currently occupied by the editorial and management operations of the Stars and Stripes newspaper until such time as the Secretary provides space and information technology and other support for such operations in a Government-owned facility in the National Capital Region geographically remote from facilities of the Defense Media Activity at Fort Meade, Maryland.

SEC. 592. SENSE OF CONGRESS REGARDING DESIGNATION OF BUGLE CALL COMMONLY KNOWN AS "TAPS" AS NATIONAL SONG OF REMEMBRANCE.

(a) FINDINGS.—Congress makes the following findings:

(1) The bugle call commonly known as ''Taps'' is known throughout the United States.

(2) In July 1862, following the Seven Days Battles, Union General Daniel Butterfield and bugler Oliver Willcox Norton created ''Taps'' at Berkley Plantation, Virginia, as a way to signal the end of daily military activities.

(3) ''Taps'' is now established by the uniformed services as the last call of the day and is sounded at the completion of a military funeral.

(4) ''Taps'' has become the signature, solemn musical farewell for members of the uniformed services and veterans who have faithfully served the United States during times of war and peace.

(5) Over its 150 years of use, ''Taps'' has been woven into the historical fabric of the United States.

(6) When sounded, ''Taps'' summons emotions of loss, pride, honor, and respect and encourages Americans to remember patriots who served the United States with honor and valor.

(7) The 150th anniversary of the writing of ''Taps'' will be observed with events culminating in June 2012 with a rededication of the Taps Monument at Berkley Plantation, Virginia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the bugle call commonly known as ''Taps'' should be designated as the National Song of Remembrance.

SEC. 593. RECOMMENDED CONDUCT DURING SOUNDING OF BUGLE CALL COMMONLY KNOWN AS "TAPS".

(a) CONDUCT DURING SOUNDING OF ''TAPS''.—Chapter 3 of title 36, United States Code, is amended by adding at the end the following new section:

''§ 306. Conduct during sounding of 'Taps'

''(a) DEFINITION.—In this section, the term 'Taps' refers to the bugle call consisting of 24 notes normally sounded on a bugle or trumpet without accompaniment or embellishment as the last call of the day on a military base, at the completion of a military funeral, or on other occasions as the solemn musical farewell to members of the uniform services and veterans.

''(b) CONDUCT DURING SOUNDING.—

''(1) IN GENERAL.—During a performance of Taps—

''(A) all present, except persons in uniform, should stand at attention with the right hand over the heart;

''(B) men not in uniform should remove their headdress with their right hand and hold the headdress at the left shoulder, the hand being over the heart; and

''(C) persons in uniform should stand at attention and give the military salute at the first note of Taps and maintain that position until the last note.

''(2) EXCEPTION.—Paragraph (1) shall not apply when Taps is sounded as the final bugle call of the day at a military base.

''(c) DEFINITION OF MILITARY BASE.—In this section, the term 'military base' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CHAPTER HEADING.—The heading of chapter 3 of title 36, United States Code, is amended to read as follows:

''CHAPTER 3—NATIONAL ANTHEM, MOTTO, AND OTHER NATIONAL DESIGNATIONS''.

(2) TABLE OF CHAPTERS.—The item relating to chapter 3 in the table of chapters for such title is amended to read as follows:

''3. National Anthem, Motto, and Other National Designations ..... 301''.

(3) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''306. Conduct during sounding of 'Taps'.''.

SEC. 594. INSPECTION OF MILITARY CEMETERIES UNDER THE JURISDICTION OF DEPARTMENT OF DEFENSE.

(a) DOD INSPECTOR GENERAL INSPECTION OF ARLINGTON NATIONAL CEMETERY AND UNITED STATES SOLDIERS' AND AIRMEN'S HOME NATIONAL CEMETERY.—Section 1(d) of Public Law 111–339; 124 Stat. 3592) is amended—

(1) in paragraph (1), by striking ''The Secretary'' in the first sentence and inserting ''Subject to paragraph (2), the Secretary''; and

(2) in paragraph (2), by adding at the end the following new sentence: ''However, in the case of the report required to be submitted during 2013, the assessment described in paragraph (1) shall be conducted, and the report shall be prepared and submitted, by the Inspector General of the Department of Defense instead of the Secretary of the Army.''.

(b) TIME FOR SUBMISSION OF REPORT AND PLAN OF ACTION REGARDING INSPECTION OF CEMETERIES AT MILITARY INSTALLATIONS.—Section 592(d)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1443) is amended—

(1) by striking ''December 31, 2012'' and inserting ''June 29, 2013''; and

(2) by striking ''April 1, 2013'' and inserting ''October 1, 2013''.

SEC. 595. PILOT PROGRAM TO PROVIDE TRANSITIONAL ASSISTANCE TO MEMBERS OF THE ARMED FORCES WITH A FOCUS ON SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

(a) PROGRAM AUTHORITY.—The Secretary of Defense may conduct one or more pilot programs to provide transitional assistance for members of the Armed Forces leaving active duty that focuses on assisting the members to transition into the fields of science, technology, engineering, and mathematics to address the shortage of expertise within the Department of Defense in those fields.

(b) COOPERATION WITH EDUCATIONAL INSTITUTIONS.—The Secretary of Defense may enter into an agreement with an institution of higher education to provide for the management and execution of a pilot program under this section. The institution of higher education must agree to allow the translation of military experience and training into course credit and provide for the transfer of previously received credit through local community colleges and other accredited institutions of higher education.

(c) DURATION.—Any pilot program established under the authority of this section may not operate for more than three academic years.

(d) REPORTING REQUIREMENT.—At the conclusion of a pilot program under this section, the Secretary of Defense shall submit to the congressional defense committee a report on the results of the pilot program, including the cost incurred to conduct the program, the number of participants of the program, and the outcomes for the participants of the program.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2013 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2013 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2013, the rates of monthly basic pay for members of the uniformed services are increased by 1.7 percent.

SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEMBER COUPLES WHEN ONE MEMBER IS ON SEA DUTY.

(a) IN GENERAL.—Subparagraph (C) of section 403(f)(2) of title 37, United States Code, is amended to read as follows:

''(C) Notwithstanding section 421 of this title, a member of a uniformed service in a pay grade below pay grade E–6 who is assigned to sea duty and is married to another member of a uniformed service is entitled to a basic allowance for housing subject to the limitations of subsection (e).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2013.

SEC. 603. NO REDUCTION IN BASIC ALLOWANCE FOR HOUSING FOR ARMY NATIONAL GUARD AND AIR NATIONAL GUARD MEMBERS WHO TRANSITION BETWEEN ACTIVE DUTY AND FULL-TIME NATIONAL GUARD DUTY WITHOUT A BREAK IN ACTIVE SERVICE.

Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(6)(A) The rate of basic allowance for housing to be paid to a member of the Army National Guard of the United States or the Air National Guard of the United States shall not be reduced upon the transition of the member from active duty to full-time National Guard duty, or from full-time National Guard duty to active duty, when the transition occurs without a break in active service.

''(B) For the purposes of this paragraph, a break in active service occurs when one or more calendar days between active service periods do not qualify as active service.''.

SEC. 604. MODIFICATION OF PROGRAM GUIDANCE RELATING TO THE AWARD OF POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE ADMINISTRATIVE ABSENCE DAYS TO MEMBERS OF THE RESERVE COMPONENTS UNDER DOD INSTRUCTION 1327.06.

Effective as of October 1, 2011, the changes made by the Secretary of Defense to the Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components under DOD Instruction 1327.06 shall not apply to a member of a reserve component whose qualified mobilization (as described in such program guidance) commenced before October 1, 2011, and continued on or after that date until the date the mobilization is terminated.

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, 2012'' and inserting ''December 31, 2013'':

(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 408a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.

(8) 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, 2012'' and inserting ''December 31, 2013'':

(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, 2012'' and inserting ''December 31, 2013'':

(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, 2012'' and inserting ''December 31, 2013'':

(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, 2012'' and inserting ''December 31, 2013'':

(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, 2012'' and inserting ''December 31, 2013'':

(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. INCREASE IN MAXIMUM AMOUNT OF OFFICER AFFILIATION BONUS FOR OFFICERS IN THE SELECTED RESERVE.

Section 308j(d) of title 37, United States Code, is amended by striking ''$10,000'' and inserting ''$20,000''.

SEC. 617. INCREASE IN MAXIMUM AMOUNT OF INCENTIVE BONUS FOR RESERVE COMPONENT MEMBERS WHO CONVERT MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGES.

Section 326(c)(1) of title 37, United States Code, is amended by striking ''$4,000, in the case of a member of a regular component of the armed forces, and $2,000, in the case of a member of a reserve component of the armed forces.'' and inserting ''$4,000.''.

Subtitle C—Travel and Transportation Allowances Generally

SEC. 621. TRAVEL AND TRANSPORTATION ALLOWANCES FOR NON-MEDICAL ATTENDANTS FOR MEMBERS RECEIVING CARE IN A RESIDENTIAL TREATMENT PROGRAM.

(a) AUTHORIZED TRAVEL AND TRANSPORTATION.—Subsection (a) of section 481k of title 37, United States Code, is amended—

(1) by inserting ''(1)'' before ''Under uniform regulations''; and

(2) by adding at the end the following new paragraph:

''(2) Travel and transportation described in subsection (d) also may be provided for a qualified non-medical attendant for a member of the uniformed services who is receiving care in a residential treatment program if the attending physician or other mental health professional and the commander or head of the military medical facility exercising control over the member determine that the presence and participation of such an attendant is essential to the treatment of the member.''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b)—

(A) by striking ''covered member'' in the matter preceding paragraph (1) and inserting ''member''; and

(B) in paragraph (2), by striking ''surgeon and the commander or head of the military medical facility'' and inserting ''surgeon (or mental health professional in the case of a member described in subsection (a)(2)) and the commander or head of the military medical facility exercising control over the member''; and

(2) in subsection (c), by striking ''this section'' in the matter preceding paragraph (1) and inserting ''subsection (a)(1)''.

Subtitle D—Benefits and Services for Members Being Separated or Recently Separated

SEC. 631. EXTENSION OF AUTHORITY TO PROVIDE TWO YEARS OF COMMISSARY AND EXCHANGE BENEFITS AFTER SEPARATION.

(a) EXTENSION OF AUTHORITY.—Section 1146 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''2012'' and inserting ''2018''; and

(2) in subsection (b), by striking ''2012'' and inserting ''2018''.

(b) CORRECTION OF REFERENCE TO ADMINISTERING SECRETARY.—Such section is further amended—

(1) in subsection (a), by striking ''The Secretary of Transportation'' and inserting ''The Secretary concerned''; and

(2) in subsection (b), by striking ''The Secretary of Homeland Security'' and inserting ''The Secretary concerned''.

SEC. 632. TRANSITIONAL USE OF MILITARY FAMILY HOUSING.

(a) RESUMPTION OF AUTHORITY TO AUTHORIZE TRANSITIONAL USE.—Subsection (a) of section 1147 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''October 1, 1990, and ending on December 31, 2001'' and inserting ''October 1, 2012, and ending on December 31, 2018''; and

(2) in paragraph (2), by striking ''October 1, 1994, and ending on December 31, 2001'' and inserting ''October 1, 2012, and ending on December 31, 2018''.

(b) PROHIBITION ON PROVISION OF TRANSITIONAL BASIC ALLOWANCE FOR HOUSING.—Such section is further amended by adding at the end the following new subsection:

''(c) NO TRANSITIONAL BASIC ALLOWANCE FOR HOUSING.—Nothing in this section shall be construed to authorize the Secretary concerned to continue to provide for any period of time to an individual who is involuntary separated all or any portion of a basic allowance for housing to which the individual was entitled under section 403 of title 37 immediately before being involuntarily separated, even in cases in which the individual or members of the individual's household continue to reside after the separation in a housing unit acquired or constructed under the alternative authority of subchapter IV of chapter 169 of this title that is not owned or leased by the United States.''.

(c) CORRECTION OF REFERENCE TO ADMINISTERING SECRETARY.—Subsection (a)(2) of such section is further amended by striking ''The Secretary of Transportation'' and inserting ''The Secretary concerned''.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 641. CHARITABLE ORGANIZATIONS ELIGIBLE FOR DONATIONS OF UNUSABLE COMMISSARY STORE FOOD AND OTHER FOOD PREPARED FOR THE ARMED FORCES.

Subparagraph (A) of section 2485(f) of title 10, United States Code, is amended to read as follows:

''(A) A food bank, food pantry, or soup kitchen (as those terms are defined in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501)).''.

SEC. 642. REPEAL OF CERTAIN RECORDKEEPING AND REPORTING REQUIREMENTS APPLICABLE TO COMMISSARY AND EXCHANGE STORES OVERSEAS.

(a) REPEAL.—Section 2489 of title 10, United States Code, is amended by striking subsections (b) and (c).

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking ''GENERAL AUTHORITY.—(1)'' and inserting ''AUTHORITY TO ESTABLISH RESTRICTIONS.—'';

(2) by striking ''(2)'' and inserting ''(b) LIMITATIONS ON USE OF AUTHORITY.—''; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

SEC. 643. TREATMENT OF FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION AT DOVER AIR FORCE BASE, DELAWARE, AS A FISHER HOUSE.

(a) FISHER HOUSES AND AUTHORIZED FISHER HOUSE RESIDENTS.—Subsection (a) of section 2493 of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by striking ''by patients'' and all that follows through ''such patients;'' and inserting ''by authorized Fisher House residents;'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph:

''(2) The term 'Fisher House' includes the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, so long as such facility is available for residential use on a temporary basis by authorized Fisher House residents.''; and

(4) by adding at the end the following new paragraph:

''(4) The term 'authorized Fisher House residents' means the following:

''(A) With respect to a Fisher House described in paragraph (1) that is located in proximity to a health care facility of the Army, the Air Force, or the Navy, the following persons:

''(i) Patients of that health care facility.

''(ii) Members of the families of such patients.

''(iii) Other persons providing the equivalent of familial support for such patients.

''(B) With respect to the Fisher House described in paragraph (2), the following persons:

''(i) The primary next of kin of a member of the armed forces who dies while located or serving overseas.

''(ii) Other family members of the deceased member who are eligible for transportation under section 411f(e) of title 37.

''(iii) An escort of a family member described in clause (i) or (ii).''.

(b) CONFORMING AMENDMENTS.—Subsections (b), (e), (f), and (g) of such section are amended by striking ''health care'' each place it appears.

(c) REPEAL OF FISCAL YEAR 2012 FREE-STANDING DESIGNATION.—Section 643 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1466) is repealed.

SEC. 644. PURCHASE OF SUSTAINABLE PRODUCTS, LOCAL FOOD PRODUCTS, AND RECYCLABLE MATERIALS FOR RESALE IN COMMISSARY AND EXCHANGE STORE SYSTEMS.

(a) IMPROVED PURCHASING EFFORTS.—Section 2481(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The governing body established pursuant to paragraph (2) shall endeavor to increase the purchase for resale at commissary stores and exchange stores of sustainable products, local food products, and recyclable materials.

''(B) As part of its efforts under subparagraph (A), the governing body shall develop—

''(i) guidelines for the identification of fresh meat, poultry, seafood, and fish, fresh produce, and other products raised or produced through sustainable methods; and

''(ii) goals, applicable to all commissary stores and exchange stores world-wide, to maximize, to the maximum extent practical, the purchase of sustainable products, local food products, and recyclable materials by September 30, 2017.''.

(b) DEADLINE FOR ESTABLISHMENT AND GUIDELINES.—The initial guidelines required by paragraph (3)(B)(i) of section 2481(c) of title 10, United States Code, as added by subsection (a), shall be issued not later than two years after the date of the enactment of this Act.

Subtitle F—Disability, Retired Pay, and Survivor Benefits

SEC. 651. REPEAL OF REQUIREMENT FOR PAYMENT OF SURVIVOR BENEFIT PLAN PREMIUMS WHEN PARTICIPANT WAIVES RETIRED PAY TO PROVIDE A SURVIVOR ANNUITY UNDER FEDERAL EMPLOYEES RETIREMENT SYSTEM AND TERMINATING PAYMENT OF THE SURVIVOR BENEFIT PLAN ANNUITY.

(a) DEPOSITS NOT REQUIRED.—Section 1452(e) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting ''AND FERS'' after ''CSRS'';

(2) by inserting ''or chapter 84 of such title,'' after ''chapter 83 of title 5'';

(3) by inserting ''or 8416(a)'' after ''8339(j)''; and

(4) by inserting ''or 8442(a)'' after ''8341(b)''.

(b) CONFORMING AMENDMENTS.—Section 1450(d) of such title is amended—

(1) by inserting ''or chapter 84 of such title'' after ''chapter 83 of title 5'';

(2) by inserting ''or 8416(a)'' after ''8339(j)''; and

(3) by inserting ''or 8442(a)'' after ''8341(b)''.

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to any participant electing a annuity for survivors under chapter 84 of title 5, United States Code, on or after the date of the enactment of this Act.

Subtitle G—Other Matters

SEC. 661. CONSISTENT DEFINITION OF DEPENDENT FOR PURPOSES OF APPLYING LIMITATIONS ON TERMS OF CONSUMER CREDIT EXTENDED TO CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

Paragraph (2) of section 987(i) of title 10, United States Code, is amended to read as follows:

''(2) DEPENDENT.—The term 'dependent', with respect to a covered member, means a person described in subparagraph (A), (D), (E), or (I) of section 1072(2) of this title.''.

SEC. 662. LIMITATION ON REDUCTION IN NUMBER OF MILITARY AND CIVILIAN PERSONNEL ASSIGNED TO DUTY WITH SERVICE REVIEW AGENCIES.

Section 1559(a) of title 10, United States Code, is amended by striking ''December 31, 2013'' and inserting ''December 31, 2016''.

SEC. 663. EQUAL TREATMENT FOR MEMBERS OF COAST GUARD RESERVE CALLED TO ACTIVE DUTY UNDER TITLE 14, UNITED STATES CODE.

(a) INCLUSION IN DEFINITION OF CONTINGENCY OPERATION.—Section 101(a)(13)(B) of title 10, United States Code, is amended by inserting ''section 712 of title 14,'' after ''chapter 15 of this title,''.

(b) CREDIT OF SERVICE TOWARDS REDUCTION OF ELIGIBILITY AGE FOR RECEIPT OF RETIRED PAY FOR NON-REGULAR SERVICE.—Section 12731(f)(2)(B) of title 10, United States Code, is amended by adding at the end the following new clause:

''(iv) Service on active duty described in this subparagraph is also service on active duty pursuant to a call or order to active duty authorized by the Secretary of Homeland Security under section 712 of title 14 for purposes of emergency augmentation of the Regular Coast Guard forces.''.

(c) POST 9/11 EDUCATIONAL ASSISTANCE.—Section 3301(1)(B) of title 38, United States Code, is amended by inserting ''or section 712 of title 14'' after ''title 10''.

(d) RETROACTIVE APPLICATION OF AMENDMENTS.—

(1) INCLUSION OF PRIOR ORDERS.—The amendments made by this section shall apply to any call or order to active duty authorized by the Secretary of Homeland Security under section 712 of title 14, United States Code, on or after April 19, 2010.

(2) CREDIT FOR PRIOR SERVICE.—The amendments made by this section shall be deemed to have been enacted on April 19, 2010, for purposes of applying the amendments to the following provisions of law:

(A) Section 5538 of title 5, United States Code, relating to nonreduction in pay.

(B) Section 701 of title 10, United States Code, relating to the accumulation and retention of leave.

(C) Section 12731 of title 10, United States Code, relating to age and service requirements for receipt of retired pay for non-regular service.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

SEC. 701. SENSE OF CONGRESS ON NONMONETARY CONTRIBUTIONS TO HEALTH CARE BENEFITS MADE BY CAREER MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of a 20- to 30-year career in protecting freedom for all Americans; and

(2) those decades of sacrifice constitute a significant pre-paid premium for health care during a career member's retirement that is over and above what the member pays with money.

SEC. 702. EXTENSION OF TRICARE STANDARD COVERAGE AND TRICARE DENTAL PROGRAM FOR MEMBERS OF THE SELECTED RESERVE WHO ARE INVOLUNTARILY SEPARATED.

(a) TRICARE STANDARD COVERAGE.—Section 1076d(b) of title 10, United States Code, is amended—

(1) by striking ''Eligibility'' and inserting ''(1) Except as provided in paragraph (2), eligibility''; and

(2) by adding at the end the following new paragraph:

''(2) During the period beginning on the earlier of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013 or October 1, 2012, and ending December 31, 2018, eligibility for a member under this section who is involuntarily separated from the Selected Reserve under other than adverse conditions, as characterized by the Secretary concerned, shall terminate 180 days after the date on which the member is separated.''.

(b) TRICARE DENTAL COVERAGE.—Section 1076a(a)(1) of such title is amended by adding at the end the following new sentence: ''During the period beginning on the earlier of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013 or October 1, 2012, and ending December 31, 2018, such plan shall provide that coverage for a member of the Selected Reserve who is involuntarily separated from the Selected Reserve under other than adverse conditions, as characterized by the Secretary concerned, shall not terminate earlier than 180 days after the date on which the member is separated.''.

SEC. 703. MEDICAL AND DENTAL CARE CONTRACTS FOR CERTAIN MEMBERS OF THE NATIONAL GUARD.

(a) STANDARDS.—The Secretary of Defense shall ensure that each individual who receives medical or dental care under a covered contract meets the standards of medical and dental readiness of the Secretary upon the mobilization of the individual.

(b) COVERED CONTRACT DEFINED.—In this section, the term ''covered contract'' means a contract entered into by the National Guard of a State to provide medical or dental care to the members of such National Guard to ensure that the members meet applicable standards of medical and dental readiness.

Subtitle B—Health Care Administration

SEC. 711. UNIFIED MEDICAL COMMAND.

(a) UNIFIED COMBATANT COMMAND.—

(1) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by inserting after section 167a the following new section:

''§ 167b. Unified combatant command for medical operations

''(a) ESTABLISHMENT.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified command for medical operations (in this section referred to as the 'unified medical command'). The principal function of the command is to provide medical services to the armed forces and other health care beneficiaries of the Department of Defense as defined in chapter 55 of this title.

''(b) ASSIGNMENT OF FORCES.—In establishing the unified medical command under subsection (a), all active military medical treatment facilities, training organizations, and research entities of the armed forces shall be assigned to such unified command, unless otherwise directed by the Secretary of Defense.

''(c) GRADE OF COMMANDER.—The commander of the unified medical command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating his permanent grade. The commander of such command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such command shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37. During the five-year period beginning on the date on which the Secretary establishes the command under subsection (a), the commander of such command shall be exempt from the requirements of section 164(a)(1) of this title.

''(d) SUBORDINATE COMMANDS.—(1) The unified medical command shall have the following subordinate commands:

''(A) A command that includes all fixed military medical treatment facilities, including elements of the Department of Defense that are combined, operated jointly, or otherwise operated in such a manner that a medical facility of

the Department of Defense is operating in or with a medical facility of another department or agency of the United States.

''(B) A command that includes all medical training, education, and research and development activities that have previously been unified or combined, including organizations that have been designated as a Department of Defense executive agent.

''(C) The Defense Health Agency established under subsection (f).

''(2) The commander of a subordinate command of the unified medical command shall hold the grade of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating his permanent grade. The commander of such a subordinate command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such a subordinate command shall also be required to be a surgeon general of one of the military departments.

''(e) AUTHORITY OF COMBATANT COMMANDER.—(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the unified medical command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to medical operations activities.

''(2) The commander of such command shall be responsible for, and shall have the authority to conduct, the following functions relating to medical operations activities (whether or not relating to the unified medical command):

''(A) Developing programs and doctrine.

''(B) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for the forces described in subsection (b) and for other forces assigned to the unified medical command.

''(C) Exercising authority, direction, and control over the expenditure of funds—

''(i) for forces assigned to the unified medical command;

''(ii) for the forces described in subsection (b) assigned to unified combatant commands other than the unified medical command to the extent directed by the Secretary of Defense; and

''(iii) for military construction funds of the Defense Health Program.

''(D) Training assigned forces.

''(E) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

''(F) Validating requirements.

''(G) Establishing priorities for requirements.

''(H) Ensuring the interoperability of equipment and forces.

''(I) Monitoring the promotions, assignments, retention, training, and professional military education of medical officers described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

''(3) The commander of such command shall be responsible for the Defense Health Program, including the Defense Health Program Account established under section 1100 of this title.

''(f) DEFENSE HEALTH AGENCY.—(1) In establishing the unified medical command under subsection (a), the Secretary shall also establish under section 191 of this title a defense agency for health care (in this section referred to as the 'Defense Health Agency'), and shall transfer to such agency the organization of the Department of Defense referred to as the TRICARE Management Activity and all functions of the TRICARE Program (as defined in section 1072(7)).

''(2) The director of the Defense Health Agency shall hold the rank of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating his permanent grade. The director of such agency shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The director of such agency shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

''(g) REGULATIONS.—In establishing the unified medical command under subsection (a), the Secretary of Defense shall prescribe regulations for the activities of the unified medical command.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 167a the following new item:

''167b. Unified combatant command for medical operations.''.

(b) PLAN, NOTIFICATION, AND REPORT.—

(1) PLAN.—Not later than July 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan to establish the unified medical command authorized under section 167b of title 10, United States Code, as added by subsection (a), including any legislative actions the Secretary considers necessary to implement the plan.

(2) NOTIFICATION.—The Secretary shall submit to the congressional defense committees written notification of the time line of the Secretary to establish the unified medical command under such section 167b by not later than the date that is 30 days before establishing such command.

(3) REPORT.—Not later than 180 days after submitting the notification under paragraph (2), the Secretary shall submit to the congressional defense committees a report on—

(A) the establishment of the unified medical command; and

(B) the establishment of the Defense Health Agency under subsection (f) of such section 167b.

SEC. 712. AUTHORITY FOR AUTOMATIC ENROLLMENT IN TRICARE PRIME OF DEPENDENTS OF MEMBERS IN PAY GRADES ABOVE PAY GRADE E-4.

Subsection (a) of section 1097a of title 10, United States Code, is amended to read as follows:

''(a) AUTOMATIC ENROLLMENT OF CERTAIN DEPENDENTS.—(1) In the case of a dependent of a member of the uniformed services who is entitled to medical and dental care under section 1076(a)(2)(A) of this title and resides in an area in which TRICARE Prime is offered, the Secretary—

''(A) shall automatically enroll the dependent in TRICARE Prime if the member is in pay grade E-4 or below; and

''(B) may automatically enroll the dependent in TRICARE Prime if the member is in pay grade E-5 or higher.

''(2) Whenever a dependent of a member is enrolled in TRICARE Prime under paragraph (1), the Secretary concerned shall provide written notice of the enrollment to the member.

''(3) The enrollment of a dependent of the member may be terminated by the member or the dependent at any time.''.

SEC. 713. COOPERATIVE HEALTH CARE AGREEMENTS BETWEEN THE MILITARY DEPARTMENTS AND NON-MILITARY HEALTH CARE ENTITIES.

(a) AUTHORITY.—In addition to the authority of the Secretary of Defense under section 713 of the National Defense Authorization Act of 2010 (10 U.S.C. 1073 note), the Secretary of each military department may establish cooperative health care agreements between military installations and local or regional health care entities.

(b) REQUIREMENTS.—In establishing an agreement under subsection (a), the Secretary concerned shall—

(1) consult with—

(A) representatives from the military installation selected for the agreement, including the TRICARE managed care support contractor with responsibility for such installation; and

(B) Federal, State, and local government officials;

(2) identify and analyze health care services available in the area in which the military installation is located, including such services available at a military medical treatment facility or in the private sector (or a combination thereof);

(3) determine the cost avoidance or savings resulting from innovative partnerships between the military department concerned and the private sector; and

(4) determine the opportunities for and barriers to coordinating and leveraging the use of existing health care resources, including such resources of Federal, State, local, and private entities.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing the provision of health care services at military medical treatment facilities or other facilities of the Department of Defense to individuals who are not otherwise entitled or eligible for such services under chapter 55 of title 10, United States Code.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' has the meaning given that term in section 101(a)(9) of title 10, United States Code.

SEC. 714. REQUIREMENT TO ENSURE THE EFFECTIVENESS AND EFFICIENCY OF HEALTH ENGAGEMENTS.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Assistant Secretary of Defense for Health Affairs and the Uniformed Services University of the Health Sciences, shall develop a process to ensure that health engagements conducted by the Department of Defense are effective and efficient in meeting the national security goals of the United States.

(b) PROCESS GOALS.—The Assistant Secretary of Defense for Health Affairs and the Uniformed Services University of the Health Sciences shall ensure that each process developed under subsection (a)—

(1) assesses the operational mission capabilities of the health engagement;

(2) uses the collective expertise of the Federal Government and non-governmental organizations to ensure collaboration and partnering activities; and

(3) assesses the stability and resiliency of the host nation of such engagement.

(c) PILOT PROGRAMS.—The Secretary of Defense, in coordination with the Uniformed Services University of Health Sciences, may conduct pilot programs to assess the effectiveness of any process developed under subsection (a) to ensure the applicability of the process to health engagements conducted by the Department of Defense.

SEC. 715. CLARIFICATION OF APPLICABILITY OF FEDERAL TORT CLAIMS ACT TO SUBCONTRACTORS EMPLOYED TO PROVIDE HEALTH CARE SERVICES TO THE DEPARTMENT OF DEFENSE.

Section 1089(a) of title 10, United States Code, is amended in the last sentence—

(1) by striking ''if the physician, dentist, nurse, pharmacist, or paramedical'' and inserting ''to such a physician, dentist, nurse, pharmacist, or paramedical'';

(2) by striking ''involved is''; and

(3) by inserting before the period at the end the following: ''or a subcontract at any tier under such a contract''.

SEC. 716. PILOT PROGRAM ON INCREASED THIRD-PARTY COLLECTION REIMBURSEMENTS IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall carry out a pilot program to assess the feasibility of using processes described in paragraph (2) to increase the amounts collected under section 1095 of title 10, United States Code, from a third-party payer for charges for health care services incurred by the United States at a military medical treatment facility.

(2) PROCESSES DESCRIBED.—The processes described in this paragraph are revenue-cycle improvement processes, including cash-flow management and accounts-receivable processes.

(b) REQUIREMENTS.—In carrying out the pilot program under subsection (a)(1), the Secretary shall—

(1) identify and analyze the best practice options with respect to the processes described in subsection (a)(2) that are used in nonmilitary health care facilities; and

(2) conduct a cost-benefit analysis to assess the pilot program, including an analysis of—

(A) the different processes used in the pilot program;

(B) the amount of third-party collections that resulted from such processes;

(C) the cost to implement and sustain such processes; and

(D) any other factors the Secretary determines appropriate to assess the pilot program.

(c) LOCATIONS.—The Secretary shall carry out the pilot program under subsection (a)(1) at not less than two military installations of different military departments that meet the following criteria:

(1) There is a military medical treatment facility that has inpatient and outpatient capabilities at the installation.

(2) At least 40 percent of the military beneficiary population residing in the catchment area surrounding the installation is potentially covered by a third-party payer (as defined in section 1095(h)(1) of title 10, United States Code).

(d) DURATION.—The Secretary shall commence the pilot program under subsection (a)(1) by not later than 270 days after the date of the enactment of this Act and shall carry out such program for three years.

(e) REPORT.—Not later than 180 days after completing the pilot program under subsection (a)(1), the Secretary shall submit to the congressional defense committees a report describing the results of the program, including—

(1) a comparison of—

(A) the processes described in subsection (a)(2) that were used in the military medical treatment facilities participating in the program; and

(B) the third-party collection processes used by military medical treatment facilities not included in the program;

(2) a cost analysis of implementing the processes described in subsection (a)(2) for third-party collections at military medical treatment facilities; and

(3) an assessment of the program, including any recommendations to improve third-party collections.

SEC. 717. PILOT PROGRAM FOR REFILLS OF MAINTENANCE MEDICATIONS FOR TRICARE FOR LIFE BENEFICIARIES THROUGH THE TRICARE MAIL-ORDER PHARMACY PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program to refill prescription maintenance medications for each TRICARE for Life beneficiary through the national mail-order pharmacy program under section 1074g(a)(2)(E)(iii) of title 10, United States Code.

(b) MEDICATIONS COVERED.—

(1) DETERMINATION.—The Secretary shall determine the prescription maintenance medications included in the pilot program under subsection (a).

(2) SUPPLY.—In carrying out the pilot program under subsection (a), the Secretary shall ensure that the medications included in the program are—

(A) generally available to the TRICARE for Life beneficiary through retail pharmacies only for an initial filling of a 30-day or less supply; and

(B) any refills of such medications are obtained through the national mail-order pharmacy program.

(3) EXEMPTION.— The Secretary may exempt the following prescription maintenance medications from the requirements in paragraph (2):

(A) Such medications that are for acute care needs.

(B) Such other medications as the Secretary determines appropriate.

(c) NONPARTICIPATION.—

(1) OPT OUT.—The Secretary shall give TRICARE for Life beneficiaries who have been covered by the pilot program under subsection (a) for a period of one year an opportunity to opt out of continuing to participate in the program.

(2) WAIVER.—The Secretary may waive the requirement of a TRICARE for Life beneficiary to participate in the pilot program under subsection (a) if the Secretary determines, on an individual basis, that such waiver is appropriate.

(d) TRICARE FOR LIFE BENEFICIARY DEFINED.—In this section, the term ''TRICARE for Life beneficiary'' means a TRICARE beneficiary enrolled in the Medicare wraparound coverage option of the TRICARE program made available to the beneficiary by reason of section 1086(d) of title 10, United States Code.

(e) REPORTS.—Not later than March 31 of each year beginning in 2014 and ending in 2018, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a), including the effects of offering incentives for the use of mail order pharmacies by TRICARE beneficiaries and the effect on retail pharmacies.

(f) SUNSET.—The Secretary may not carry out the pilot program under subsection (a) after December 31, 2017.

SEC. 718. COST-SHARING RATES FOR PHARMACY BENEFITS PROGRAM OF THE TRICARE PROGRAM.

(a) IN GENERAL.—Section 1074g(a)(6) of title 10, United States Code, is amended—

(1) by amending subparagraph (A) to read as follows:

''(A) The Secretary, in the regulations prescribed under subsection (h), shall establish cost-sharing requirements under the pharmacy benefits program. In accordance with subparagraph (C), such cost-sharing requirements shall consist of the following:

''(i) With respect to each supply of a prescription covering not more than 30 days that is obtained by a covered beneficiary under the TRICARE retail pharmacy program—

''(I) in the case of generic agents, $5;

''(II) in the case of formulary agents, $17; and

''(III) in the case of nonformulary agents, $44.

''(ii) With respect to each supply of a prescription covering not more than 90 days that is obtained by a covered beneficiary under the national mail-order pharmacy program—

''(I) in the case of generic agents, $0;

''(II) in the case of formulary agents, $13; and

''(III) in the case of nonformulary agents, $43.''; and

(2) by adding at the end the following new subparagraph:

''(C) Beginning October 1, 2013, the Secretary may only increase in any year the cost-sharing amount established under subparagraph (A) by an amount equal to the percentage by which retired pay is increased under section 1401a of this title.''.

(b) EFFECTIVE DATE.—The cost-sharing requirements under section 1074g(a)(6)(A) of title 10, United States Code, as amended by subsection (a)(1), shall apply with respect to prescriptions obtained under the TRICARE pharmacy benefits program on or after October 1, 2012.

SEC. 719. REVIEW OF THE ADMINISTRATION OF THE MILITARY HEALTH SYSTEM.

Section 716(a)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1477) is amended by striking ''until a 120-day period'' and all that follows through the period and inserting the following: ''until the Secretary implements and completes any recommendations included in the report submitted by the Comptroller General of the United States under subsection (b)(3) and notifies the congressional defense committees of such implementation and completion.''.

Subtitle C—Reports and Other Matters

SEC. 721. EXTENSION OF COMPTROLLER GENERAL REPORT ON CONTRACT HEALTH CARE STAFFING FOR MILITARY MEDICAL TREATMENT FACILITIES.

Section 726(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1480) is amended by striking ''March 31, 2012'' and inserting ''March 31, 2013''.

SEC. 722. EXTENSION OF COMPTROLLER GENERAL REPORT ON WOMEN-SPECIFIC HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES.

Section 725(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1480) is amended by striking ''December 31, 2012'' and inserting ''March 31, 2013''.

SEC. 723. ESTABLISHMENT OF TRICARE WORKING GROUP.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) children of members of the Armed Forces deserve health-care practices and policies that—

(A) are designed to meet their pediatric-specific needs;

(B) are developed and determined proactively and comprehensively; and

(C) ensure and maintain their access to pediatric-specific treatments, providers, and facilities.

(2) children's health-care needs and standards of care are different and distinct from those of adults, therefore the TRICARE program should undertake a proactive, comprehensive approach to review and analyze its policies and practices to meet the needs of children to ensure that children and their families receive appropriate care in proper settings and avoid unnecessary challenges in seeking or obtaining proper health care;

(3) a proactive and comprehensive review is necessary because the reimbursement structure of the TRICARE program is patterned upon Medicare and the resulting policies and practices of the TRICARE program do not always properly reflect appropriate standards for pediatric care;

(4) one distinct aspect of children's health care is the need for specialty care and services for children with special-health-care needs and chronic-health conditions;

(5) the requirement for specialized health care and developmental support is an ongoing and serious matter of day-to-day life for families with children with special or chronic-health-care needs;

(6) the Department of Defense and the TRICARE program, recognizing the special needs of certain children, have instituted special-needs programs, including the ECHO program, but there are collateral needs that are not being met, generally because the services are provided in the local community rather than by the Department of Defense, who may not always have the best tools or knowledge to access these State and local resources;

(7) despite wholehearted efforts by the Department of Defense, a gap exists between linking military families with children with special-health-care needs and chronic conditions with the resources and services available from local or regional highly specialized providers and the communities and States in which they reside;

(8) the gap is especially exacerbated by the mobility of military families, who often move from State to State, because special-needs health care, educational, and social services are very specific to each local community and State and such services often have lengthy waiting lists; and

(9) the Department of Defense will be better able to assist military families with children

with special-health-care needs fill the gap by collaborating with special-health-care needs providers and those knowledgeable about the opportunities for such children that are provided by States and local communities.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Defense shall establish a working group to carry out a review of the TRICARE program with respect to—

(A) pediatric health care needs under paragraph (2); and

(B) pediatric special and chronic health care needs under paragraph (3).

(2) PEDIATRIC HEALTH CARE NEEDS.—

(A) DUTIES.—The working group shall—

(i) comprehensively review the policy and practices of the TRICARE program with respect to providing pediatric health care;

(ii) recommend changes to such policies and practices to ensure that—

(I) children receive appropriate care in an appropriate manner, at the appropriate time, and in an appropriate setting; and

(II) access to care and treatment provided by pediatric providers and children's hospitals remains available for families with children; and

(iii) develop a plan to implement such changes.

(B) REVIEW.—In carrying out the duties under subparagraph (A), the working group shall—

(i) identify improvements in policies, practices, and administration of the TRICARE program with respect to pediatric-specific health care and pediatric-specific healthcare settings;

(ii) analyze the direct and indirect effects of the reimbursement policies and practices of the TRICARE program with respect to pediatric care and care provided in pediatric settings;

(iii) consider case management programs with respect to pediatric complex and chronic care, including whether pediatric specific programs are necessary;

(iv) develop a plan to ensure that the TRICARE program addresses pediatric-specific health care needs on an on-going basis beyond the life of the working group;

(v) consider how the TRICARE program can work with the pediatric provider community to ensure access, promote communication and collaboration, and optimize experiences of military families seeking and receiving health care services for children; and

(vi) review matters that further the mission of the working group.

(3) PEDIATRIC SPECIAL AND CHRONIC HEALTH CARE NEEDS.—

(A) DUTIES.—The working group shall—

(i) review the methods in which families in the TRICARE program who have children with special-health-care needs access community resources and health-care resources;

(ii) review how having access to, and a better understanding of, community resources may improve access to health care and support services;

(iii) recommend methods to accomplish improved access by such children and families to community resources and health-care resources, including through collaboration with children's hospitals and other providers of pediatric specialty care, local agencies, local communities, and States;

(iv) consider approaches and make recommendations for the improved integration of individualized or compartmentalized medical and family support resources for military families;

(v) work closely with the Office of Community Support for Military Families with Special Needs of the Department of Defense and other relevant offices to avoid redundancies and target shared areas of concern for children with special or chronic-health-care needs; and

(vi) review any relevant information learned and findings made by the working group under this paragraph that may be considered or adopted in a consistent manner with respect to improving access, resources, and services for adults with special needs.

(B) REVIEW.—In carrying out the duties under subparagraph (A), the working group shall—

(i) discuss improvements to special needs health care policies and practices;

(ii) determine how to support and protect families of members of the National Guard or Reserve Components as the members transition into and out of the relevant Exceptional Family Member Program or the ECHO program;

(iii) analyze case management services to improve consistency, communication, knowledge, and understanding of resources and community contacts;

(iv) identify areas in which a State may offer services that are not covered by the TRICARE program or the ECHO program and how to coordinate such services;

(v) identify steps that States and communities can take to improve support for military families of children with special health care needs;

(vi) consider how the TRICARE program and other programs of the Department of Defense can work with specialty pediatric providers and resource communities to ensure access, promote communication and collaboration, and optimize experiences of military families seeking and receiving health care services for their children with special or chronic health care needs;

(vii) consider special and chronic health care in a comprehensive manner without focus on one or more conditions or diagnoses to the exclusion of others;

(viii) focus on ways to create innovative partnerships, linkages, and access to information and resources for military families across the spectrum of the special-needs community and between the medical community and the family support community; and

(ix) review matters that further the mission of the working group.

(c) MEMBERSHIP.—

(1) APPOINTMENTS.—The working group shall be composed of not less than 14 members as follows:

(A) The Chief Medical Officer of the TRICARE program, who shall serve as chairperson.

(B) The Chief Medical Officers of the North, South, and West regional offices of the TRICARE program.

(C) One individual representing the Army appointed by the Surgeon General of the Army.

(D) One individual representing the Navy appointed by the Surgeon General of the Navy.

(E) One individual representing the Air Force appointed by the Surgeon General of the Air Force.

(F) One individual representing the regional managed care support contractor of the North region of the TRICARE program appointed by such contractor.

(G) One individual representing the regional managed care support contractor of the South region of the TRICARE program appointed by such contractor.

(H) One individual representing the regional managed care support contractor of the West region of the TRICARE program appointed by such contractor.

(I) Not more than three individuals representing the non-profit organization the Military Coalition appointed by such organization.

(J) One individual representing the American Academy of Pediatrics appointed by such organization.

(K) One individual representing the National Association of Children's Hospitals appointed by such organization.

(L) One individual representing military families who is not an employee of an organization representing such families.

(M) Any other individual as determined by the Chief Medical Officer of the TRICARE program.

(2) TERMS.—Each member shall be appointed for the life of the working group. A vacancy in the working group shall be filled in the manner in which the original appointment was made.

(3) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(4) STAFF.—The Secretary of Defense shall ensure that employees of the TRICARE program provide the working group with the necessary support to carry out this section.

(d) MEETINGS.—

(1) SCHEDULE.—The working group shall—

(A) convene its first meeting not later than 60 days after the date of the enactment of this Act; and

(B) convene not less than four other times.

(2) FORM.—Any meeting of the working group may be conducted in-person or through the use of video conferencing.

(3) QUORUM.—Seven members of the working group shall constitute a quorum but a lesser number may hold hearings.

(e) ADVICE.—With respect to carrying out the review of the TRICARE program and pediatric special and chronic health care needs under subsection (b)(3), the working group shall seek counsel from the following individuals acting as an expert advisory group:

(1) One individual representing the Exceptional Family Member Program of the Army.

(2) One individual representing the Exceptional Family Member Program of the Navy.

(3) One individual representing the Exceptional Family Member Program of the Air Force.

(4) One individual representing the Exceptional Family Member Program of the Marine Corps.

(5) One individual representing the Office of Community Support for Military Families with Special Needs.

(6) One individual who is not an employee of an organization representing military families shall represent a military family with a child with special health care needs.

(7) Not more than three individuals representing organizations that—

(A) are not otherwise represented in this paragraph or in the working group; and

(B) possess expertise needed to carry out the goals of the working group.

(f) REPORTS REQUIRED.—

(1) REPORT.—Not later than 12 months after the date on which the working group convenes its first meeting, the working group shall submit to the congressional defense committees a report including—

(A) any changes described in subsection (b)(2)(A)(ii) identified by the working group that—

(i) require legislation to carry out, including proposed legislative language for such changes;

(ii) require regulations to carry out, including proposed regulatory language for such changes; and

(iii) may be carried out without legislation or regulations, including a time line for such changes; and

(B) steps that States and local communities may take to improve the experiences of military families with special-needs children in interacting with and accessing State and local community resources.

(2) FINAL REPORT.—Not later than 18 months after the date on which the report is submitted under paragraph (1), the working group shall submit to the congressional defense committees a final report including—

(A) any additional information and updates to the report submitted under paragraph (1);

(B) information with respect to how the Secretary of Defense is implementing the changes identified in the report submitted under paragraph (1); and

(C) information with respect to any steps described in subparagraph (B) of such paragraph that were taken by States and local communities after the date on which such report was submitted.

(g) TERMINATION.—The working group shall terminate on the date that is 30 days after the

date on which the working group submits the final report pursuant to subsection (f)(2).

(h) DEFINITIONS.—In this Act:

(1) The term ''children'' means dependents of a member of the Armed Forces who are—

(A) individuals who have not yet attained the age of 21; or

(B) individuals who have not yet attained the age of 27 if the inclusion of such dependents is applicable and relevant to a program or policy being reviewed under this Act.

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

(3) The term ''ECHO program'' means the program established pursuant to subsections (d) through (e) of section 1079 of title 10, United States Code (commonly referred to as the ''Extended Care Health Option program'').

(4) The term ''TRICARE program'' means the managed health care program that is established by the Department of Defense under chapter 55 of title 10, United States Code.

SEC. 724. REPORT ON STRATEGY TO TRANSITION TO USE OF HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.

(a) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report that outlines a strategy to refine, reduce, and, when appropriate, transition to using human-based training methods for the purpose of training members of the Armed Forces in the treatment of combat trauma injuries by October 1, 2017.

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

(A) Required research, development, testing, and evaluation investments to validate human-based training methods to refine, reduce, and, when appropriate, transition to the use of live animals in medical education and training by October 1, 2015.

(B) Phased sustainment and readiness costs to refine, reduce, and, when appropriate, replace the use of live animals in medical education and training by October 1, 2017.

(C) Any risks associated with transitioning to human-based training methods, including resource availability, anticipated technological development time lines, and potential impact on the present combat trauma training curricula.

(D) An assessment of the potential affect of transitioning to human based-training methods on the quality of medical care delivered on the battlefield including any reduction in the competency of combat medical personnel.

(E) An assessment of risks to maintaining the level of combat life-saver techniques performed by all members of the Armed Forces.

(b) UPDATED ANNUAL REPORTS.—Not later than March 1, 2014, and each year thereafter, the Secretary shall submit to the congressional defense committees a report on the development and implementation of human-based training methods for the purposes of training members of the Armed Forces in the treatment of combat trauma injuries under this section.

(c) DEFINITIONS.—In this section:

(1) The term ''combat trauma injuries'' means severe injuries likely to occur during combat, including—

(A) extremity hemorrhage;

(B) tension pneumothorax;

(C) amputation resulting from blast injury;

(D) compromises to the airway; and

(E) other injuries.

(2) The term ''human-based training methods'' means, with respect to training individuals in medical treatment, the use of systems and devices that do not use animals, including—

(A) simulators;

(B) partial task trainers;

(C) moulage;

(D) simulated combat environments; and

(E) human cadavers.

(3) The term ''partial task trainers'' means training aids that allow individuals to learn or practice specific medical procedures.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. PILOT EXEMPTION REGARDING TREATMENT OF PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE IN ACCORDANCE WITH THE DEPARTMENT OF ENERGY'S WORK FOR OTHERS PROGRAM.

(a) EXEMPTION FROM INSPECTOR GENERAL REVIEWS AND DETERMINATIONS.—Subsection (a) of section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2304 note) is amended by adding at the end the following new paragraph:

''(7) TREATMENT OF PROCUREMENTS THROUGH DEPARTMENT OF ENERGY.—For purposes of this subsection, effective during the 24-month period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the procurement of property or services on behalf of the Department of Defense pursuant to an interagency agreement between the Department of Defense and the Department of Energy in accordance with the Department of Energy's Work For Others Program, under which the property or services are provided by a management and operating contractor of the Department of Energy and are procured on behalf of the Department of Defense, shall not be considered a procurement of property or services on behalf of the Department of Defense by a covered non-defense agency.''.

(b) EXEMPTION FROM CERTAIN CERTIFICATION REQUIREMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)''; and

(2) by adding at the end the following new paragraph:

''(4) EXCEPTION FOR PROCUREMENTS IN ACCORDANCE WITH THE DEPARTMENT OF ENERGY'S WORK FOR OTHERS PROGRAM.—Effective during the 24-month period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the limitation in paragraph (1) shall not apply to the procurement of property or services on behalf of the Department of Defense pursuant to an interagency agreement between the Department of Defense and the Department of Energy in accordance with the Department of Energy's Work for Others Program, under which the property or services are provided by a management and operating contractor of the Department of Energy and procured on behalf of the Department of Defense.''.

(c) CERTIFICATION.—Not later than 20 months after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees the following:

(1) A statement certifying whether the procurement policies, procedures, and internal controls of the Department of Energy provide sufficient protection and oversight for Department of Defense funds expended through the Department of Energy Work for Others Program.

(2) A recommendation regarding whether the pilot exemption granted by the amendments made by this section should be extended.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. MODIFICATION OF TIME PERIOD FOR CONGRESSIONAL NOTIFICATION OF THE LEASE OF CERTAIN VESSELS BY THE DEPARTMENT OF DEFENSE.

Section 2401(h)(2) of title 10, United States Code, is amended by striking ''30 days of continuous session of Congress'' and inserting ''60 days''.

SEC. 812. EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.

(a) EXTENSION.—Effective as of January 1, 2012, section 4202 of the Clinger–Cohen Act of 1996 (division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended in subsection (e) by striking ''2012'' and inserting ''2015''.

(b) TECHNICAL AMENDMENT TO CROSS REFERENCES.—Subsection (e) of such Act is further amended by striking ''section 303(g)(1) of the Federal Property and Administrative Services Act of 1949, and section 31(a) of the Office of Federal Procurement Policy Act, as amended by this section,'' and inserting ''section 3305(a) of title 41, United States Code, and section 1901(a) of title 41, United States Code,''.

SEC. 813. CODIFICATION AND AMENDMENT RELATING TO LIFE-CYCLE MANAGEMENT AND PRODUCT SUPPORT REQUIREMENTS.

(a) CODIFICATION AND AMENDMENT.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2335. Life-cycle management and product support

''(a) GUIDANCE ON LIFE-CYCLE MANAGEMENT.—The Secretary of Defense shall issue and maintain comprehensive guidance on life-cycle management and the development and implementation of product support strategies for major weapon systems. The guidance issued pursuant to this subsection shall—

''(1) maximize competition and make the best possible use of available Department of Defense and industry resources at the system, subsystem, and component levels; and

''(2) maximize value to the Department of Defense by providing the best possible product support outcomes at the lowest operations and support cost.

''(b) PRODUCT SUPPORT MANAGERS.—

''(1) REQUIREMENT.—The Secretary of Defense shall require that each major weapon system be supported by a product support manager in accordance with this subsection.

''(2) RESPONSIBILITIES.—A product support manager for a major weapon system shall—

''(A) develop and implement a comprehensive product support strategy for the weapon system;

''(B) use advanced predictive analysis to the extent practicable to improve material availability and reliability, increase operational availability rates, and reduce operation and sustainment costs;

''(C) conduct appropriate cost analyses to validate the product support strategy, including cost-benefit analyses as outlined in Office of Management and Budget Circular A-94;

''(D) ensure achievement of desired product support outcomes through development and implementation of appropriate product support arrangements;

''(E) adjust performance requirements and resource allocations across product support integrators and product support providers as necessary to optimize implementation of the product support strategy;

''(F) periodically review product support arrangements between the product support integrators and product support providers to ensure the arrangements are consistent with the overall product support strategy;

''(G) prior to each change in the product support strategy or every five years, whichever occurs first, revalidate any business-case analysis performed in support of the product support strategy; and

''(H) ensure that the product support strategy maximizes small business participation at the appropriate tiers and apply the requirements of section 15(g) of the Small Business Act (15 U.S.C. 644(g)) in a manner that ensures that small business concerns are not inappropriately selected for performance as a prime contractor.

''(c) DEFINITIONS.—In this section:

''(1) PRODUCT SUPPORT.—The term 'product support' means the package of support functions required to field and maintain the readiness and operational capability of major weapon systems, subsystems, and components, including all functions related to weapon system readiness.

''(2) PRODUCT SUPPORT ARRANGEMENT.— The term 'product support arrangement' means a contract, task order, or any type of other contractual arrangement, or any type of agreement or non-contractual arrangement within the Federal Government, for the performance of sustainment or logistics support required for major weapon systems, subsystems, or components. The term includes arrangements for any of the following:

''(A) Performance-based logistics.

''(B) Sustainment support.

''(C) Contractor logistics support.

''(D) Life-cycle product support.

''(E) Weapon systems product support.

''(3) PRODUCT SUPPORT INTEGRATOR.—The term 'product support integrator' means an entity within the Federal Government or outside the Federal Government charged with integrating all sources of product support, both private and public, defined within the scope of a product support arrangement.

''(4) PRODUCT SUPPORT PROVIDER.—The term 'product support provider' means an entity that provides product support functions. The term includes an entity within the Department of Defense, an entity within the private sector, or a partnership between such entities.

''(5) MAJOR WEAPON SYSTEM.—The term 'major weapon system' has the meaning given that term in section 2302d of this title.

''(6) ADVANCED PREDICTIVE ANALYSIS.—The term 'advanced predictive analysis' means a type of analysis that applies advanced predictive modeling methodology to life-cycle management and product support by using event simulation to account for variations in asset demand over time, including events such as current equipment condition, planned usage, aging of parts, maintenance capacity and quality, and logistics response.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

''2335. Life-cycle management and product support.''.

(b) REPEAL OF SUPERSEDED SECTION.—Section 805 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2302) is repealed.

SEC. 814. CODIFICATION OF REQUIREMENT RELATING TO GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.

(a) CODIFICATION.—

(1) IN GENERAL.—Subchapter I of chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1706. Government performance of certain acquisition functions

''(a) GOAL.—It shall be the goal of the Department of Defense and each of the military departments to ensure that, for each major defense acquisition program and each major automated information system program, each of the following positions is performed by a properly qualified member of the armed forces or full-time employee of the Department of Defense:

''(1) Program manager.

''(2) Deputy program manager.

''(3) Product support manager.

''(4) Chief engineer.

''(5) Systems engineer.

''(6) Chief developmental tester.

''(7) Cost estimator.

''(b) PLAN OF ACTION.—The Secretary of Defense shall develop and implement a plan of action for recruiting, training, and ensuring appropriate career development of military and civilian personnel to achieve the objective established in subsection (a).

''(c) DEFINITIONS.—In this section:

''(1) The term 'major defense acquisition program' has the meaning given such term in section 2430(a) of this title.

''(2) The term 'major automated information system program' has the meaning given such term in section 2445a(a) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''1706. Government performance of certain acquisition functions.''.

(b) REPEAL OF SUPERSEDED SECTION.—Section 820 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 1701 note) is repealed.

SEC. 815. LIMITATION ON FUNDING PENDING CERTIFICATION OF IMPLEMENTATION OF REQUIREMENTS FOR COMPETITION.

(a) LIMITATION ON FUNDING FOR CERTAIN OFFICES.—Of the funds authorized to be appropriated for fiscal year 2013 as specified in the funding table in section 4301, not more than 80 percent of the funds authorized for the Office of the Secretary of Defense may be obligated or expended until the certification described in subsection (b) is submitted.

(b) CERTIFICATION REQUIRED.—The Secretary of Defense shall certify to the congressional defense committees that the Department of Defense is implementing the requirements of section 202(d) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23; 10 U.S.C. 2430 note). Such a certification shall be accompanied by—

(1) a briefing to the congressional defense committees on processes and procedures that have been implemented across the military departments and Defense Agencies to maximize competition throughout the life-cycle of major defense acquisition programs, including actions to award contracts for performance of maintenance and sustainment of major weapon systems or subsystems and components of such systems; and

(2) a representative sample of solicitations issued since May 22, 2009, intended to fulfill the objectives of such section 202(d).

SEC. 816. CONTRACTOR RESPONSIBILITIES IN REGULATIONS RELATING TO DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.

Section 818(c)(2)(B) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1493; 10 U.S.C. 2302 note) is amended to read as follows:

''(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, unless—

''(i) the covered contractor has an operational system to detect and avoid counterfeit parts and suspect counterfeit electronic parts that has been reviewed and approved by the Department of Defense pursuant to subsection (e)(2)(B);

''(ii) the counterfeit electronic parts or suspect counterfeit electronic parts were—

''(I) procured from a trusted supplier in accordance with regulations described in paragraph (3); or

''(II) provided to the contractor as Government property in accordance with part 45 of the Federal Acquisition Regulation; and

''(iii) the covered contractor provides timely notice to the Government pursuant to paragraph (4).''.

SEC. 817. ADDITIONAL DEFINITION RELATING TO PRODUCTION OF SPECIALTY METALS WITHIN THE UNITED STATES.

Section 2533b(m) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(11) The term 'produced', as used in subsections (a) and (b), means melted, or processed in a manner that results in physical or chemical property changes that are the equivalent of melting. The term does not include finishing processes such as rolling, heat treatment, quenching, tempering, grinding, or shaving.''.

SEC. 818. REQUIREMENT FOR PROCUREMENT OF INFRARED TECHNOLOGIES FROM NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

Section 2534(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) INFRARED TECHNOLOGIES.—Infrared technologies, including focal plane arrays sensitive to infrared wavelengths, read-out integrated circuits, cryogenic coolers, Dewar technology, infrared sensor engine assemblies, and infrared imaging systems.''.

SEC. 819. COMPLIANCE WITH BERRY AMENDMENT REQUIRED FOR UNIFORM COMPONENTS SUPPLIED TO AFGHAN MILITARY OR AFGHAN NATIONAL POLICE.

(a) REQUIREMENT.—In the case of any textile components supplied by the Department of Defense to the Afghan National Army or the Afghan National Police for purposes of production of uniforms, section 2533a of title 10, United States Code, shall apply, and no exceptions or exemptions under that section shall apply.

(b) EFFECTIVE DATE.—This section shall apply to solicitations issued and contracts awarded for the procurement of such components after the date of the enactment of this Act.

Subtitle C—Provisions Relating to Contracts in Support of Contingency Operations in Iraq or Afghanistan

SEC. 821. EXTENSION AND EXPANSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.

(a) EXTENSION OF TERMINATION DATE.—Subsection (f) of section 801 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399) is amended by striking ''on or after the date occurring three years after the date of the enactment of this Act'' and inserting ''after December 31, 2014''.

(b) EXPANSION OF AUTHORITY TO COVER FORCES OF THE UNITED STATES AND COALITION FORCES.—Subsection (b)(1) of such section is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by adding ''or'' at the end; and

(3) by adding at the end the following:

''(D) by the United States or coalition forces in Afghanistan if the product or service is from a country that has agreed to allow the transport of coalition personnel, equipment, and supplies;''.

(c) LIMITATION.—Such section is amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following:

''(d) LIMITATION.—The Secretary may not use the authority provided in subsection (a) to procure goods or services from Pakistan until such time as the Government of Pakistan agrees to re-open the Ground Lines of Communication for the movement of United States equipment and supplies through Pakistan.''.

(d) REPEAL OF EXPIRED REPORT REQUIREMENT.—Subsection (h) of such section, as redesignated by subsection (c) of this section, is repealed.

(e) CLERICAL AMENDMENT.—The heading of such section is amended by striking ''; **REPORT"**.

SEC. 822. LIMITATION ON AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN AFGHANISTAN.

Section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 266; 10 U.S.C. 2302 note) is amended—

(1) in the section heading, by striking ''**IRAQ AND"**;

(2) by striking ''Iraq or'' each place it appears; and

(3) in subsection (b)—

(A) by inserting ''(A)'' after ''(1)'';

(B) in paragraph (2)—

(i) by redesignating clauses (i) and (ii) of subparagraph (B) as subclauses (I) and (II), respectively, and in subclause (II), as so redesignated, by striking the period at the end and inserting ''; and'';

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(iii) by striking ''(2)'' and inserting ''(B)''; and

(C) by adding at the end the following new paragraph (2):

''(2) the Government of Afghanistan is not taxing assistance provided by the United States to Afghanistan in violation of any bilateral or other agreement with the United States.''.

Subtitle D—Other Matters

SEC. 831. ENHANCEMENT OF REVIEW OF ACQUISITION PROCESS FOR RAPID FIELDING OF CAPABILITIES IN RESPONSE TO URGENT OPERATIONAL NEEDS.

Section 804(b)(3) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4256; 10 U.S.C. 2302 note) is amended—

(1) by inserting ''and'' at the end of subparagraph (B);

(2) by striking ''; and'' at the end of subparagraph (C) and inserting a period; and

(3) by striking subparagraph (D).

SEC. 832. LOCATION OF CONTRACTOR-OPERATED CALL CENTERS IN THE UNITED STATES.

The Secretary of Defense shall ensure that any call center operated pursuant to a contract entered into by the Secretary or by the head of any of the military departments is located in the United States.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. ADDITIONAL DUTIES OF DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR MANUFACTURING AND INDUSTRIAL BASE POLICY AND AMENDMENTS TO STRATEGIC MATERIALS PROTECTION BOARD.

(a) FINDINGS.—Congress finds the following:

(1) The Defense Logistics Agency has made little progress in addressing the findings and recommendations from the April 2009 report of the Department of Defense report titled ''Reconfiguration of the National Defense Stockpile Report to Congress''.

(2) The office of the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy has historically analyzed the United States defense industrial base from the point of view of prime contractors and original equipment manufacturers and has provided insufficient attention to producers of materials critical to national security, including raw materials producers.

(3) Responsibility for the secure supply of materials critical to national security, which supports the defense industrial base, is decentralized throughout the Department of Defense.

(4) The office of the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy should expand its focus to consider both a top-down view of the supply chain, beginning with prime contractors, and a bottom-up view that begins with raw materials suppliers.

(5) To enable this focus and support a more coherent, comprehensive strategy as it pertains to materials critical to national security, the office of the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy should develop policy, conduct oversight, and monitor resource allocation for agencies of the Department of Defense, including the Defense Logistics Agency, for all activities that pertain to ensuring a secure supply of materials critical to national security.

(6) The Strategic Materials Protection Board should be reconfigured so as to be chaired by the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy and should fully execute its duties and responsibilities.

(b) APPOINTMENT OF DEPUTY ASSISTANT SECRETARY.—Section 139c(a) of title 10, United States Code, is amended by striking ''appointed by'' and all that follows through the end of the subsection and inserting ''appointed by the Secretary of Defense.''.

(c) RESPONSIBILITIES OF DEPUTY ASSISTANT SECRETARY.—Section 139c(b) of such title is amended—

(1) by striking paragraphs (1) through (4) and inserting the following:

''(1) Providing input to strategy reviews, including quadrennial defense reviews conducted pursuant to section 118 of this title, on matters related to—

''(A) the defense industrial base; and

''(B) materials critical to national security.

''(2) Establishing policies of the Department of Defense for developing and maintaining the defense industrial base of the United States and ensuring a secure supply of materials critical to national security.

''(3) Providing recommendations to the Under Secretary on budget matters pertaining to the industrial base, the supply chain, and the development and retention of skills necessary to support the industrial base.

''(4) Providing recommendations and acquisition policy guidance to the Under Secretary on supply chain management and supply chain vulnerability throughout the entire supply chain, from suppliers of raw materials to producers of major end items.'';

(2) by striking paragraph (5) and redesignating paragraphs (6), (7), (8), (9), and (10) as paragraphs (5), (6), (7), (8), and (9), respectively;

(3) by inserting after paragraph (9), as so redesignated, the following new paragraph (10):

''(10) Providing policy and oversight of matters related to materials critical to national security to ensure a secure supply of such materials to the Department of Defense.'';

(4) by redesignating paragraph (15) as paragraph (18); and

(5) by inserting after paragraph (14) the following new paragraphs:

''(15) Coordinating with the Director of Small Business Programs on all matters related to industrial base policy of the Department of Defense.

''(16) Ensuring reliable sources of materials critical to national security, such as specialty metals, armor plate, and rare earth elements.

''(17) Establishing policies of the Department of Defense for continued reliable resource availability from domestic sources and allied nations for the industrial base of the United States.''.

(d) MATERIALS CRITICAL TO NATIONAL SECURITY DEFINED.—Section 139c of such title is further amended by adding at the end the following new subsection:

''(d) MATERIALS CRITICAL TO NATIONAL SECURITY DEFINED.—In this section, the term 'materials critical to national security' has the meaning given that term in section 187(e)(1) of this title.''.

(e) AMENDMENTS TO STRATEGIC MATERIALS PROTECTION BOARD.—

(1) MEMBERSHIP.—Paragraph (2) of section 187(a) of such title is amended to read as follows:

''(2) The Board shall be composed of the following:

''(A) The Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy, who shall be the chairman of the Board.

''(B) The Administrator of the Defense Logistics Agency Strategic Materials, or any successor organization, who shall be the vice chairman of the Board.

''(C) A designee of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

''(D) A designee of the Assistant Secretary of the Navy for Research, Development, and Acquisition.

''(E) A designee of the Assistant Secretary of the Air Force for Acquisition.''.

(2) DUTIES.—Paragraphs (3) and (4) of section 187(b) of such title are each amended by striking ''President'' and inserting ''Secretary''.

(3) MEETINGS.—Section 187(c) of such title is amended by striking ''Secretary of Defense'' and inserting ''Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy''.

(4) REPORTS.—Section 187(d) of such title is amended to read as follows:

''(d) REPORTS.—(1) After each meeting of the Board, the Board shall prepare a report containing the results of the meeting and such recommendations as the Board determines appropriate. The Secretary of each military department shall review and comment on the report.

''(2) Each such report shall be published in the Federal Register and subsequently submitted to the congressional defense committees, together with public comments and comments and recommendations from the Secretary of Defense, not later than 90 days after the meeting covered by the report.''.

SEC. 902. REQUIREMENT FOR FOCUS ON URGENT OPERATIONAL NEEDS AND RAPID ACQUISITION.

(a) DESIGNATION OF SENIOR OFFICIAL RESPONSIBLE FOR FOCUS ON URGENT OPERATIONAL NEEDS AND RAPID ACQUISITION.—

(1) IN GENERAL.—The Secretary of Defense, after consultation with the Secretaries of the military departments, shall designate a senior official in the Office of the Secretary of Defense as the principal official of the Department of Defense responsible for leading the Department's actions on urgent operational needs and rapid acquisition, in accordance with this section.

(2) STAFF AND RESOURCES.—The Secretary shall assign to the senior official designated under paragraph (1) appropriate staff and resources necessary to carry out the official's functions under this section.

(b) RESPONSIBILITIES.—The senior official designated under subsection (a) shall be responsible for the following:

(1) Acting as an advocate within the Department of Defense for issues related to the Department's ability to rapidly respond to

urgent operational needs, including programs funded and carried out by the military departments.

(2) Improving visibility of urgent operational needs throughout the Department, including across the military departments, the Defense Agencies, and all other entities and processes in the Department that address urgent operational needs.

(3) Ensuring that tools and mechanisms are used to track, monitor, and manage the status of urgent operational needs within the Department, from validation through procurement and fielding, including a formal feedback mechanism for the armed forces to provide information on how well fielded solutions are meeting urgent operational needs.

(c) URGENT OPERATIONAL NEEDS DEFINED.—In this section, the term ''urgent operational needs'' means capabilities that are determined by the Secretary of Defense, 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.

SEC. 903. DESIGNATION OF DEPARTMENT OF DEFENSE SENIOR OFFICIAL FOR ENTERPRISE RESOURCE PLANNING SYSTEM DATA CONVERSION.

Not later than 90 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 coordination and management oversight of data conversion for all enterprise resource planning systems of the Department; and

(2) set forth the responsibilities of that senior official with respect to such data conversion.

SEC. 904. ADDITIONAL RESPONSIBILITIES AND RESOURCES FOR DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION.

(a) SUPERVISION.—Section 139b(a)(3) of title 10, United States Code, is amended by striking ''to the Under Secretary'' before the period and inserting ''directly to the Under Secretary, without the interposition of any other supervising official''.

(b) CONCURRENT SERVICE.—Section 139b(a)(7) of such title is amended by striking ''may'' and inserting ''shall''.

(c) RESOURCES.—Section 139b(a) of such title is amended by adding at the end the following new paragraph:

''(8) RESOURCES.—

''(A) The President shall include in the budget transmitted to Congress, pursuant to section 1105 of title 31, for each fiscal year, a separate statement of estimated expenditures and proposed appropriations for the fiscal year for the activities of the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation in carrying out the duties and responsibilities of the Deputy Assistant Secretary under this section.

''(B) The Deputy Assistant Secretary of Defense for Developmental Test and Evaluation shall have sufficient professional staff of military and civilian personnel to enable the Deputy Assistant Secretary to carry out the duties and responsibilities prescribed by law. The resources for the Deputy Assistant Secretary shall be comparable to the resources, including Senior Executive Service positions, other civilian positions, and military positions, available to the Director of Operational Test and Evaluation.''.

(d) ANNUAL REPORT.—Section 139b(d) of such title is amended—

(1) in the subsection heading, by striking ''JOINT'';

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by inserting ''(1)'' before ''Not later than March 31'';

(4) in the matter appearing before subparagraph (A), as so redesignated, by striking ''jointly'' and inserting ''each''; and

(5) by adding at the end the following new paragraph:

''(2) With respect to the report required under paragraph (1) by the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation—

''(A) the report shall include a separate section that covers the activities of the Department of Defense Test Resource Management Center (established under section 196 of this title) during the preceding year; and

''(B) the report shall be transmitted to the Under Secretary of Defense for Acquisition, Technology, and Logistics at the same time it is submitted to the congressional defense committees.''.

SEC. 905. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.—

(1) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(A) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(B) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF ''MILITARY DEPARTMENT''.—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

''(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.''.

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: ''The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.''.

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking ''There is a Secretary of the Navy'' and inserting ''There is a Secretary of the Navy and Marine Corps''.

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

''CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(B) The heading of chapter 507 of such title is amended to read as follows:

''CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking ''Assistant Secretaries of the Navy'' and inserting ''Assistant Secretaries of the Navy and Marine Corps''.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting ''and Marine Corps'' after ''of the Navy'', with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(c) OTHER PROVISIONS OF LAW AND OTHER REFERENCES.—

(1) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively.

(2) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (a)(2) shall be considered to be a reference to that office as redesignated by that section.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

Subtitle B—Space Activities

SEC. 911. ANNUAL ASSESSMENT OF THE SYNCHRONIZATION OF SEGMENTS IN SPACE PROGRAMS THAT ARE MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ANNUAL ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for five years, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall annually submit to the congressional defense committees an assessment of the synchronization of the operability of the program segments of each space program that is a major defense acquisition program.

(b) CONTENTS.—Each assessment required under subsection (a) shall include—

(1) a description of the intended primary capabilities of each space program that is a major defense acquisition program and the level of operability of each program segment of such space program at the time of such assessment;

(2) a schedule for the deployment of such intended primary capabilities of such space program in each such program segment and in such space program as a whole;

(3) for each such space program for which a primary capability of such program will be operable by one program segment at least one year after the date on which such capability is operable by another program segment—

(A) an explanation of the reasons that such primary capability will be operable by one program segment at least one year after the date such capability is operable by another program segment; and

(B) an identification of the steps the Department is taking to improve the alignment of when the program segments become operable and the related challenges, costs, and risks; and

(4) a description of the impact on the mission of such space program caused by such primary capability being operable by one program segment at least one year after the date such capability is operable by another program segment.

(c) DEFINITIONS.—In this section:

(1) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—The term ''major defense acquisition program'' has the meaning given the term in section 2430 of title 10, United States Code.

(2) PROGRAM SEGMENT.—The term ''program segment'' means, with respect to a space program that is a major defense acquisition program, the following segments:

(A) The portion of such program that is satellite-based.

(B) The portion of such program that is ground-based.

(C) The portion of such program that is operated by the end-user.

SEC. 912. REPORT ON OVERHEAD PERSISTENT INFRARED TECHNOLOGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there are significant investments in overhead persistent infrared technology that span multiple agencies and support a variety of missions, including missile warning, missile defense, battle space awareness, and technical intelligence; and

(2) further efforts should be made to fully exploit overhead persistent infrared sensor data.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report on overhead persistent infrared technology that includes—

(1) an assessment of whether there are further opportunities for the Department of Defense and the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) to capitalize on increased data sharing, fusion, interoperability, and exploitation; and

(2) recommendations on how to better coordinate the efforts by the Department and the intelligence community to exploit overhead persistent infrared sensor data.

(c) COMPTROLLER GENERAL ASSESSMENT.—Not later than 90 days after the date on which the Secretary of Defense submits the report required under subsection (b), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of the report required under subsection (b), including—

(1) an assessment of whether such report is comprehensive, fully supported, and sufficiently detailed; and

(2) an identification of any shortcomings, limitations, or other reportable matters that affect the quality or findings of the report required under subsection (b).

SEC. 913. PROHIBITION ON USE OF FUNDS TO IMPLEMENT INTERNATIONAL AGREEMENT ON SPACE ACTIVITIES THAT HAS NOT BEEN RATIFIED BY THE SENATE OR AUTHORIZED BY STATUTE.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or any other Act may be used by the Secretary of Defense or the Director of National Intelligence to limit the activities of the Department of Defense or the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) in outer space to implement or comply with an international agreement concerning outer space activities unless such agreement is ratified by the Senate or authorized by statute.

(b) REPORT ON INTERNATIONAL AGREEMENT NEGOTIATIONS.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State and the Secretary of Defense shall submit to the appropriate congressional committees a report on the progress of negotiations on an international agreement concerning outer space activities. Such report shall include a description of which foreign countries have agreed to sign such an international agreement and any implications that the draft of the agreement being negotiated may have on both classified and unclassified military and intelligence activities of the United States in outer space.

(2) FORM.—

(A) UNCLASSIFIED.—Except as provided in subparagraph (B), each report required under paragraph (1) shall be submitted in unclassified form.

(B) CLASSIFIED ANNEX.—The Secretary of Defense may submit to the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate a classified annex to a report required under paragraph (1) containing any classified information required to be submitted for such report.

(3) TERMINATION DATE.—The requirement to submit a report under paragraph (1) shall cease to apply on the date on which the President submits to the appropriate congressional committees a certification that the United States is no longer involved in negotiations on an international agreement concerning outer space activities.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Science, Space, and Technology of the House of Representatives; and

(B) the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate.

(c) REPORT ON FOREIGN COUNTER-SPACE PROGRAMS.—

(1) REPORT REQUIRED.—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2275. Report on foreign counter-space programs

''(a) REPORT REQUIRED.—Not later than January 1 of each year, the Secretary of Defense shall submit to Congress a report on the counter-space programs of foreign countries.

''(b) CONTENTS.—Each report required under subsection (a) shall include—

''(1) an explanation of whether any foreign country has a counter-space program that could be a threat to the national security or commercial space systems of the United States; and

''(2) the name of each country with a counter-space program described in paragraph (1).

''(c) FORM.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each report required under subsection (a) shall be submitted in unclassified form.

''(2) CLASSIFIED ANNEX.—The Secretary of Defense may submit to the covered congressional committees a classified annex to a report required under subsection (a) containing any classified information required to be submitted for such report.

''(3) FOREIGN COUNTRY NAMES.—

''(A) UNCLASSIFIED FORM.—Subject to subparagraph (B), each report required under subsection (a) shall include the information required under subsection (b)(2) in unclassified form.

''(B) NATIONAL SECURITY WAIVER.—The Secretary of Defense may waive the requirement under subparagraph (A) if the Secretary determines it is in the interests of national security to waive such requirement and submits to Congress an explanation of why the Secretary waived such requirement.

''(d) PROHIBITION ON USE OF FUNDS FOR NON-COMPLIANCE.—If in any fiscal year the Secretary of Defense does not submit a report required under subsection (a) on or before the date on which such report is required to be submitted, none of the funds authorized to be appropriated by any Act for such fiscal year for activities of the Department of Defense may be used for travel related to the negotiation of an international agreement concerning outer space activities until such report is submitted.

''(e) COVERED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'covered congressional committees' means the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 135 of title 10, United States Code, is amended by adding at the end the following new item:

''2275. Report on foreign counter-space programs.''.

SEC. 914. ASSESSMENT OF FOREIGN COMPONENTS AND THE SPACE LAUNCH CAPABILITY OF THE UNITED STATES.

(a) ASSESSMENT.—The Secretary of the Air Force shall enter into an agreement with a federally funded research and development center to conduct an independent assessment of the national security implications of continuing to use foreign component and propulsion systems for the launch vehicles under the evolved expendable launch vehicle program.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the federally funded research and development center shall submit to the congressional defense committees a report on the assessment conducted under subsection (a).

SEC. 915. REPORT ON COUNTER SPACE TECHNOLOGY.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for two years, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report based on all available information describing key space technologies that could be used, or are being sought, by a foreign country with a counter space or ballistic missile program, and should be subject to export controls by the United States or an ally of the United States, as appropriate.

(b) FORM.—Each report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Subtitle C—Intelligence-Related Activities

SEC. 921. AUTHORITY TO PROVIDE GEOSPATIAL INTELLIGENCE SUPPORT TO CERTAIN SECURITY ALLIANCES AND REGIONAL ORGANIZATIONS.

(a) AUTHORIZATION.—Section 443(a) of title 10, United States Code, is amended—

(1) by striking ''The Director'' and inserting ''(1) Subject to paragraph (2), the Director'';

(2) by striking ''foreign countries'' and inserting ''foreign countries, regional organizations

with defense or security components, and security alliances of which the United States is a member''; and

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

''(2) In each case in which the Director of the National Geospatial-Intelligence Agency provides imagery intelligence or geospatial information support to a regional organization or security alliance under paragraph (1), the Director shall—

''(A) ensure that such intelligence and such support are not provided by such regional organization or such security alliance to any other person or entity;

''(B) notify the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate, that the Director has provided such intelligence or such support; and

''(C) coordinate the provision of such intelligence and such support with the commander of the appropriate combatant command.''.

(b) CLERICAL AMENDMENTS.—

*(1) SECTION HEADING.—The heading of section 443 of title 10, United States Code, is amended by striking ''**foreign countries**'' and inserting ''**foreign countries, regional organizations, and security alliances**''.*

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 22 of title 10, United States Code, is amended by striking the item relating to section 443 and inserting the following new item:

''443. Imagery intelligence and geospatial information: support for foreign countries, regional organizations, and security alliances.''.

SEC. 922. TECHNICAL AMENDMENTS TO REFLECT CHANGE IN NAME OF NATIONAL DEFENSE INTELLIGENCE COLLEGE TO NATIONAL INTELLIGENCE UNIVERSITY.

(a) CONFORMING AMENDMENTS TO REFLECT NAME CHANGE.—Section 2161 of title 10, United States Code, is amended by striking ''National Defense Intelligence College'' each place it appears and inserting ''National Intelligence University''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§2161. Degree granting authority for National Intelligence University''.

(2) TABLE OF SECTIONS.—The item related to such section in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

''2161. Degree granting authority for National Intelligence University.''.

Subtitle D—Total Force Management

SEC. 931. LIMITATION ON CERTAIN FUNDING UNTIL CERTIFICATION THAT INVENTORY OF CONTRACTS FOR SERVICES HAS BEGUN.

(a) LIMITATION ON FUNDING FOR CERTAIN OFFICES.—Of the funds authorized to be appropriated for fiscal year 2013 as specified in the funding table in section 4301, not more than 80 percent of the funds authorized for the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics; the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition; and the Office of the Assistant Secretary of the Air Force for Acquisition may be obligated or expended until the certification described in subsection (c) is submitted.

(b) LIMITATION ON FUNDING FOR OTHER CONTRACTS.—Of the funds authorized for other contracts or other services to be appropriated for fiscal year 2013 as specified in the funding table in section 4301, not more than 80 percent of the funds authorized for the Office of the Secretary of Defense, the Department of the Navy, and the Department of the Air Force may be obligated or expended until the certification described in subsection (c) is submitted.

(c) CERTIFICATION.—The certification described in this subsection is a certification in writing submitted to the congressional defense committees and made by the Secretary of Defense that the collection of data for purposes of meeting the requirements of section 2330a of title 10, United States Code, has begun.

(d) DEFINITION.—In this section, the term ''other contracts or other services'' means funding described in line 0989 within Exhibit OP-32 of the justification materials accompanying the President's budget request for fiscal year 2013.

SEC. 932. REQUIREMENT TO ENSURE SUFFICIENT LEVELS OF GOVERNMENT MANAGEMENT, CONTROL, AND OVERSIGHT OF FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

Section 129a of title 10, United States Code, is amended—

(1) in subparagraph (B) of subsection (f)(3), by inserting after ''Government'' the following: ''management, control, and''; and

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

''(g) REQUIREMENT FOR MANAGEMENT, CONTROL, AND OVERSIGHT OR APPROPRIATE CORRECTIVE ACTIONS.—For purposes of subsection (f)(3)(B), if insufficient levels of Government management, control, and oversight are found, the Secretary of the military department or head of the Defense agency responsible shall provide such management, control, and oversight or take appropriate corrective actions, including potential conversion to Government performance, consistent with this section and sections 129 and 2463 of this title.''.

SEC. 933. SPECIAL MANAGEMENT ATTENTION REQUIRED FOR CERTAIN FUNCTIONS IDENTIFIED IN INVENTORY OF CONTRACTS FOR SERVICES.

Subparagraph (C) of section 2330a(e)(2) of title 10, United States Code, is amended to read as follows:

''(C) special management attention is being given to functions identified in the inventory as being closely associated with inherently governmental functions; and''.

Subtitle E—Cyberspace-related Matters

SEC. 941. MILITARY ACTIVITIES IN CYBERSPACE.

Section 954 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1551) is amended to read as follows:

''SEC. 954. MILITARY ACTIVITIES IN CYBERSPACE.

''(a) AFFIRMATION.—Congress affirms that the Secretary of Defense is authorized to conduct military activities in cyberspace.

''(b) AUTHORITY DESCRIBED.—The authority referred to in subsection (a) includes the authority to carry out a clandestine operation in cyberspace—

''(1) in support of a military operation pursuant to the Authorization for Use of Military Force (50 U.S.C. 1541 note; Public Law 107-40) against a target located outside of the United States; or

''(2) to defend against a cyber attack against an asset of the Department of Defense.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary of Defense to conduct military activities in cyberspace.''.

SEC. 942. QUARTERLY CYBER OPERATIONS BRIEFINGS.

(a) BRIEFINGS.—Chapter 23 of title 10, United States Code, is amended by inserting after section 483 the following new section:

''§484. Quarterly cyber operations briefings

''The Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate quarterly briefings on all offensive and significant defensive military operations in cyberspace carried out by the Department of Defense during the immediately preceding quarter.''.

(b) INITIAL BRIEFING.—The first briefing required under section 484 of title 10, United States Code, as added by subsection (a), shall be provided not later than March 1, 2013.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 10, United States Code, is amended by inserting after the item relating to section 483 the following new item:

''484. Quarterly cyber operations briefings.''.

Subtitle F—Other Matters

SEC. 951. ADVICE ON MILITARY REQUIREMENTS BY CHAIRMAN OF JOINT CHIEFS OF STAFF AND JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) AMENDMENTS RELATED TO CHAIRMAN OF JOINT CHIEFS OF STAFF.—Section 153(a)(4) of title 10, United States Code, is amended by striking subparagraph (F) and inserting the following new subparagraphs:

''(F) Identifying, assessing, and approving military requirements (including existing systems and equipment) to meet the national military strategy.

''(G) Recommending to the Secretary appropriate trade-offs among life-cycle cost, schedule, and performance objectives to ensure that such trade-offs are made in the acquisition of materiel and equipment to meet military requirements in a manner that best supports the strategic and contingency plans required by subsection (a).''.

(b) AMENDMENTS RELATED TO JROC.—Section 181(b) of such title is amended—

(1) in paragraph (1)(C), by striking ''in ensuring'' and all that follows through ''requirements'' and inserting the following: ''in ensuring that appropriate trade-offs are made among life-cycle cost, schedule, and performance objectives in the acquisition of materiel and equipment to meet military requirements''; and

(2) in paragraph (3), by striking ''such resource level'' and inserting ''the total cost of such resources''.

(c) AMENDMENTS RELATED CHIEFS OF ARMED FORCES.—Section 2547(a) of such title is amended—

(1) in paragraph (1), by striking ''of requirements relating to the defense acquisition system'' and inserting ''and certification of requirements for equipping the armed force concerned'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (2) the following new paragraphs:

''(3) The recommendation of trade-offs among life-cycle cost, schedule, and performance objectives to ensure acquisition programs to equip the armed force concerned deliver best value.

''(4) Termination of development or procurement programs that fail to meet life-cycle cost, schedule, and performance objectives.''.

SEC. 952. EXPANSION OF PERSONS ELIGIBLE FOR EXPEDITED FEDERAL HIRING FOLLOWING COMPLETION OF NATIONAL SECURITY EDUCATION PROGRAM SCHOLARSHIP.

Section 802(k) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902(k)) is amended to read as follows:

''(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

''(1) APPOINTMENT AUTHORITY.—The Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

''(A) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint an eligible program participant—

''(i) to a position in the excepted service that is certified by the Secretary of Defense under clause (i) of subsection (b)(2)(A) as contributing to the national security of the United States; or

''(ii) subject to clause (ii) of such subsection, to a position in the excepted service in such

Federal agency or office identified by the Secretary; and

''(B) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of subparagraph (A), convert the appointment of such individual, without competition, to a career or career conditional appointment.

''(2) TREATMENT OF CERTAIN SERVICE.—In the case of an eligible program participant described in clause (ii) or (iii) of paragraph (3)(B) who receives an appointment under paragraph (1)(A), the head of a Department or Federal agency or office referred to in paragraph (1) may count any period that the individual served in a position with the Federal Government towards satisfaction of the service requirement under paragraph (1)(B) if that service—

''(A) in the case of an appointment under clause (i) of paragraph (1)(A), was in a position that is identified under clause (i) of subsection (b)(2)(A) as contributing to the national security of the United States; or

''(B) in the case of an appointment under clause (ii) of paragraph (1)(A), was in the Federal agency or office in which the appointment under that clause is made.

''(3) ELIGIBLE PROGRAM PARTICIPANT DEFINED.—In this subsection, the term 'eligible program participant' means an individual who—

''(A) has successfully completed an academic program for which a scholarship or fellowship under this section was awarded; and

''(B) at the time of the appointment of the individual to an excepted service position under paragraph (1)(A)—

''(i) under the terms of the agreement for such scholarship or fellowship, owes a service commitment to a Department or Federal agency or office referred to in paragraph (1);

''(ii) is employed by the Federal Government under a non-permanent appointment to a position in the excepted service that has national security responsibilities; or

''(iii) is a former civilian employee of the Federal Government who has less than a one-year break in service from the last period of Federal employment of such individual in a non-permanent appointment in the excepted service with national security responsibilities.''.

SEC. 953. ANNUAL BRIEFING TO CONGRESSIONAL DEFENSE COMMITTEES ON CERTAIN WRITTEN POLICY GUIDANCE.

Section 113(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Secretary of Defense shall provide an annual briefing to the congressional defense committees on the written policy guidance provided under paragraphs (1) and (2).''.

SEC. 954. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NON-GOVERNMENTAL PERSONNEL AT DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) EXTENSION.—Paragraph (1) of section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 184 note), is amended by striking ''through 2012'' and inserting ''through 2013''.

(b) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall assess—

(1) the effectiveness of the Regional Centers for Security Studies in meeting the Centers' objectives and advancing the priorities of the Department of Defense;

(2) the extent to which the Centers perform a unique function within the interagency community or the extent to which there are similar or duplicative efforts within the Department of Defense or the Department of State;

(3) the measures of effectiveness and impact indicators each Regional Center uses to internally evaluate its programs;

(4) the oversight mechanisms within the Department of Defense with respect to the Regional Centers; and

(5) the costs and benefits to the Department of Defense of waiving reimbursement costs for personnel of nongovernmental organizations and international organizations to participate in activities of the Centers on an ongoing basis.

(c) REPORT.—Not later than March 1, 2013, the Comptroller General shall submit to the Committees on Armed Services and on Foreign Relations of the Senate and the Committees on Armed Services and on Foreign Affairs of the House of Representatives a report on the assessment required by subsection (b).

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2013 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 $3,500,000,000.

(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).

SEC. 1002. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

SEC. 1003. ANNUAL REPORT ON ARMED FORCES UNFUNDED PRIORITIES.

(a) REPORT REQUIRED.—Not later than 30 days after the date on which the budget for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, United States Code, each member of the Joint Chiefs of Staff specified in subsection (b) and the Commander of the United States Special Operations Command shall submit to the congressional defense committees a report containing a list of the unfunded priorities for the Armed Force under the jurisdiction of that member or commander.

(b) COVERED MILITARY SERVICE CHIEFS.—The reports required by subsection (a) shall be submitted by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, and the Chief of the National Guard Bureau.

(c) UNFUNDED PRIORITIES DEFINED.—In this section, the term ''unfunded priorities'', with respect to a report required by subsection (a) for a fiscal year, means a program or mission requirement that—

(1) has not been selected for funding in the proposed budget for the fiscal year;

(2) is necessary to fulfill a requirement associated with a combatant commander operational or contingency plan or other validated global force requirement; and

(3) the officer submitting the report would have recommended for inclusion in the proposed budget for the fiscal year had additional resources been available or had the requirement emerged before the budget was submitted.

Subtitle B—Counter-Drug Activities

SEC. 1011. EXTENSION OF THE AUTHORITY OF THE CHIEF OF THE NATIONAL GUARD BUREAU TO ESTABLISH AND OPERATE NATIONAL GUARD COUNTERDRUG SCHOOLS.

Section 901 of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469; 120 Stat. 3536; 32 U.S.C. 112 note) is amended—

(1) in subsection (c)—

(A) by striking paragraph (1) and redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(B) by adding at the end the following new paragraph:

''(5) The Western Regional Counterdrug Training Center, Camp Murray, Washington.'';

(2) by striking subsection (f) and redesignating subsection (g) as subsection (f); and

(3) in subsection (f)(1), as so redesignated, by striking ''fiscal years 2006 through 2010'' and inserting ''fiscal years 2013 through 2017''.

SEC. 1012. 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 1008 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1558), is further amended by striking ''February 15, 2012'' and inserting ''February 15, 2013''.

SEC. 1013. 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 1007 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1558), is amended—

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

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

SEC. 1014. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1594; 10 U.S.C. 371 note) is amended by striking ''2012'' and inserting ''2013''.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. POLICY RELATING TO MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.

Section 1012 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 303), as most recently amended by section 1015 of the Duncan Hunter National

Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is amended by striking ''Secretary of Defense'' and all that follows through the period and inserting the following: ''Secretary the Navy notifies the congressional defense committees that, as a result of a cost-benefit analysis, it would not be practical for the Navy to design the class of ships with an integrated nuclear power system.''.

SEC. 1022. LIMITATION ON AVAILABILITY OF FUNDS FOR DELAYED ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.

(a) IN GENERAL.—Section 231 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e)(1) If the Secretary of Defense does not include with the defense budget materials for a fiscal year the plan and certification under subsection (a), the Secretary of the Navy may not use more than 50 percent of the funds described in paragraph (2) during the fiscal year in which such materials are submitted until the date on which such plan and certification are submitted to the congressional defense committees.

''(2) The funds described in this paragraph are funds made available to the Secretary of the Navy for operation and maintenance, Navy, for emergencies and extraordinary expenses.''.

(b) CONFORMING AMENDMENT.—Section 12304b(i) of title 10, United States Code, is amended by striking ''231(e)(2)'' and inserting ''section 231(f)(2)''.

Subtitle D—Counterterrorism

SEC. 1031. FINDINGS ON DETENTION PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE ENACTED IN 2001.

Congress finds the following:

(1) In 2001, Congress passed, and the President signed, the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) (hereinafter referred to as the ''AUMF''), which authorized the President to ''use all necessary and appropriate force'' against those responsible for the attacks of September 11, 2001, and those who harbored them ''in order to prevent any future acts of international terrorism against the United States''.

(2) In 2004, the Supreme Court held in Hamdi v. Rumsfeld that the AUMF authorized the President to detain individuals, including a United States citizen captured in Afghanistan and later detained in the United States, legitimately determined to be ''engaged in armed conflict against the United States'' until the end of hostilities, noting that ''[W]e understand Congress' grant of authority for the use of 'necessary and appropriate force' to include the authority to detain for the duration of the relevant conflict, and our understanding is based on longstanding law-of-war principles''.

(3) The Court reaffirmed the long-standing principle of American law that a United States citizen may not be detained in the United States pursuant to the AUMF without due process of law, stating the following:

(A) ''Striking the proper constitutional balance here is of great importance to the Nation during this period of ongoing combat. But it is equally vital that our calculus not give short shrift to the values that this country holds dear or to the privilege that is American citizenship.''.

(B) ''It is during our most challenging and uncertain moments that our Nation's commitment to due process is most severely tested; and it is in those times that we must preserve our commitment at home to the principles for which we fight abroad.''.

(C) ''[A] state of war is not a blank check for the President when it comes to the rights of the Nation's citizens.''.

(D) ''[A]bsent suspension, the writ of habeas corpus remains available to every individual detained within the United States.''.

(E) ''All agree suspension of the writ has not occurred here.''.

(F) ''[A]n enemy combatant must receive notice of the factual basis for his classification, and a fair opportunity to rebut the Government's factual assertions before a neutral decisionmaker.''.

(G) ''Whatever power the United States Constitution envisions for the Executive in its exchanges with other nations or with enemy organizations in times of conflict, it most assuredly envisions a role for all three branches when individual liberties are at stake.''.

(H) ''[U]nless Congress acts to suspend it, the Great Writ of habeas corpus allows the Judicial Branch to play a necessary role in maintaining this delicate balance of governance, serving as an important judicial check on the Executive's discretion in the realm of detentions.''.

(I) ''We reaffirm today the fundamental nature of a citizen's right to be free from involuntary confinement by his own government without due process of law, and we weigh the opposing governmental interests against the curtailment of liberty that such confinement entails.''.

(4) In 2008, in Boumediene v. Bush, the Supreme Court also extended the constitutional right to habeas corpus to the foreign detainees held pursuant to the AUMF at the United States Naval Station, Guantanamo Bay, Cuba.

(5) Chapter 47A of title 10, United States Code, as originally enacted by the Military Commissions Act of 2006 (Public Law 109–366), only allows for prosecution of foreign terrorists by military commission.

(6) In 2011, with the enactment of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81), Congress and the President affirmed the authority of the Armed Forces of the United States to detain pursuant to the AUMF a person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored those responsible for those attacks, or 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.

(7) The interpretation of the detention authority provided by the AUMF under the National Defense Authorization Act for Fiscal Year 2012 is the same as the interpretation used by the Obama administration in its legal filings in Federal court and is nearly identical to the interpretation used by the Bush administration. This interpretation has also been upheld by the United States Court of Appeals for the District of Columbia Circuit.

(8) Such Act also requires the Secretary of Defense to regularly brief Congress regarding the application of the detention authority provided by the AUMF.

(9) Section 1021 of such Act states that ''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.''.

SEC. 1032. FINDINGS REGARDING HABEAS CORPUS RIGHTS.

Congress finds the following:

(1) Article 1, section 9 of the Constitution states ''The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.''.

(2) Regarding the Great Writ, the Supreme Court has noted ''The writ of habeas corpus is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action.''.

SEC. 1033. HABEAS CORPUS RIGHTS.

Nothing in the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) or the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) shall be construed to deny the availability of the writ of habeas corpus in a court ordained or established by or under Article III of the Constitution for any person who is detained in the United States pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note).

SEC. 1034. EXTENSION OF AUTHORITY TO MAKE REWARDS FOR COMBATING TERRORISM.

(a) EXTENSION.—Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking ''September 30, 2013'' and inserting ''September 30, 2014''.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that outlines the future requirements and authorities to make rewards for combating terrorism. The report shall include—

(1) an analysis of future requirements under section 127b of title 10, United States Code;

(2) a detailed description of requirements for rewards in support of operations with allied forces; and

(3) an overview of geographic combatant commander requirements through September 30, 2014.

SEC. 1035. PROHIBITION ON TRAVEL TO THE UNITED STATES FOR CERTAIN DETAINEES REPATRIATED TO THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF PALAU, AND THE REPUBLIC OF THE MARSHALL ISLANDS.

(a) PROHIBITION ON TRAVEL TO THE UNITED STATES.—Notwithstanding any provision of the applicable Compact of Free Association described in subsection (c), an individual described in subsection (b) who has been repatriated to the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau may not be afforded the rights and benefits put forth in section 141 of such applicable Compact of Free Association.

(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

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

(2) is or was located at United States Naval Station, Guantanamo Bay, Cuba, on or after September 11, 2001, while—

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

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

(c) APPLICABLE COMPACT OF FREE ASSOCIATION.—The applicable Compact of Free Association described in this subsection is—

(1) with respect to an individual repatriated to the Federal States of Micronesia, the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia as set forth in section 201(a) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188; 48 U.S.C. 1921 note);

(2) with respect to an individual repatriated to the Republic of the Marshall Islands, the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands as set forth in section 201(b) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188; 48 U.S.C. 1921 note); and

(3) with respect to an individual repatriated to the Republic of Palau, the Compact of Free Association between the Government of the United States of America and the Government of Palau as set forth in section 201 of the joint resolution entitled ''A Joint Resolution to approve the 'Compact of Free Association' between the United States and the Government of Palau,

and for other purposes'', approved November 14, 1986 (Public Law 99–658; 48 U.S.C. 1931 note).

SEC. 1036. 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 2013 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. 1037. 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 2013 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 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).

(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 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).

(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).

SEC. 1038. 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 2013 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 1037(e)(2).

SEC. 1039. REPORTS ON RECIDIVISM OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, THAT HAVE BEEN TRANSFERRED TO FOREIGN COUNTRIES.

(a) REPORT ON FACTORS CAUSING OR CONTRIBUTING TO RECIDIVISM.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter for five years, the Director of the Defense Intelligence Agency, in consultation with the head of each element of the intelligence community that the Director considers appropriate, shall submit to the covered congressional committees a report assessing the factors that cause or contribute to the recidivism of individuals detained at Guantanamo that are transferred or released to a foreign country, including a discussion of trends, by country and region, where recidivism has occurred.

(b) REPORT ON EFFECTIVENESS OF INTERNATIONAL AGREEMENTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, with the concurrence of the Secretary of Defense, shall submit to the covered congressional committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report assessing the effectiveness of international agreements relating to the transfer or release of individuals detained at Guantanamo between the United States and each foreign country to which an individual detained at Guantanamo has been transferred or released.

(c) FORM.—The reports required under subsections (a) and (b) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) COVERED CONGRESSIONAL COMMITTEES.—The term ''covered congressional committees'' means—

(A) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) INDIVIDUAL DETAINED AT GUANTANAMO.—The term ''individual detained at Guantanamo'' means any individual that is or was located at

United States Naval Station, Guantanamo Bay, Cuba, who—

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

(B) is or was—

(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.

SEC. 1040. NOTICE AND REPORT ON USE OF NAVAL VESSELS FOR DETENTION OF INDIVIDUALS CAPTURED OUTSIDE AFGHANISTAN PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

(a) NOTICE TO CONGRESS.—Not later than 5 days after first detaining an individual who is captured pursuant to the Authorization for Use of Military Force on a naval vessel outside the United States, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives notice of the detention.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use of naval vessels for the detention outside the United States of any individual who is captured pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note). Such report shall include—

(A) procedures and any limitations on detaining such individuals at sea on board United States naval vessels;

(B) an assessment of any force protection issues associated with detaining such individuals on such vessels;

(C) an assessment of the likely effect of such detentions on the original mission of the naval vessel; and

(D) any restrictions on long-term detention of individuals on United States naval vessels.

(2) FORM OF REPORT.—The report required under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

SEC. 1041. NOTICE REQUIRED PRIOR TO TRANSFER OF CERTAIN INDIVIDUALS DETAINED AT THE DETENTION FACILITY AT PARWAN, AFGHANISTAN.

(a) NOTICE REQUIRED.—The Secretary of Defense shall submit to the appropriate congressional committees notice in writing of the proposed transfer of any individual detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) who is a national of a country other than the United States or Afghanistan from detention at the Detention Facility at Parwan, Afghanistan, to the custody of the Government of Afghanistan or of any other country. Such notice shall be provided not later than 10 days before such a transfer may take place.

(b) ADDITIONAL ASSESSMENTS AND CERTIFICATIONS.—As part of the notice required under subsection (a), the Secretary shall include the following:

(1) In the case of the proposed transfer of such an individual by reason of the individual being released, an assessment of the threat posed by the individual and the security environment of the country to which the individual is to be transferred.

(2) In the case of the proposed transfer of such an individual to a country other than Afghanistan for the purpose of the prosecution of the individual, a certification that an assessment has been conducted regarding the capacity, willingness, and historical track record of the country with respect to prosecuting similar cases, including a description of the evidence against the individual that is likely to be admissible as part of the prosecution.

(3) In the case of the proposed transfer of such an individual for reintegration or rehabilitation in a country other than Afghanistan, a certification that an assessment has been conducted regarding the capacity, willingness, and historical track records of the country for reintegrating or rehabilitating similar individuals.

(4) In the case of the proposed transfer of such an individual to the custody of the government of Afghanistan for prosecution or detention, a certification that an assessment has been conducted regarding the capacity, willingness, and historical track record of Afghanistan to prosecute or detain long-term such individuals.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1042. REPORT ON RECIDIVISM OF INDIVIDUALS FORMERLY DETAINED AT THE DETENTION FACILITY AT PARWAN, AFGHANISTAN.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the relevant congressional committees a report that—

(1) assesses recidivism rates and the factors that cause or contribute to the recidivism of individuals formerly detained at the Detention Facility at Parwan, Afghanistan, who are transferred or released, with particular emphasis on individuals transferred or released in connection with reconciliation efforts or peace negotiations; and

(2) includes a general rationale of the Commander, International Security Assistance Force, as to why such individuals were released.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant 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. 1043. ADDITIONAL REQUIREMENTS RELATING TO THE TRANSFER OF INDIVIDUALS DETAINED AT GUANTANAMO TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

Section 1028 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) is amended—

(1) in subsection (a)(1)—

(A) by striking ''the certification described in subsection (b) not later than 30 days before the transfer of the individual'' and inserting ''by not later than 90 days before the transfer each of the following;''; and

(B) by adding at the end the following new subparagraphs:

''(A) The certification described in subsection (b).

''(B) An assessment of the likelihood that the individual to be transferred will engage in terrorist activity after the transfer takes place.

''(C) A detailed summary, in classified or unclassified form, of the individual's history of associations with foreign terrorist organizations and the individual's record of cooperation while in the custody of or under the effective control of the Department of Defense.''; and

(2) in subsection (d)(2)—

(A) by striking ''30 days'' and inserting ''90 days''; and

(B) by adding at the end the following new subparagraphs:

''(E) An assessment of the likelihood that the individual to be transferred will engage in terrorist activity after the transfer takes place.

''(F) A detailed summary, in classified or unclassified form, of the individual's history of associations with foreign terrorist organizations and the individual's record of cooperation while in the custody of or under the effective control of the Department of Defense.''.

Subtitle E—Nuclear Forces

SEC. 1051. NUCLEAR WEAPONS EMPLOYMENT STRATEGY OF THE UNITED STATES.

(a) SENSE OF CONGRESS.—Subsection (a) of section 1046 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1579) is amended to read as follows:

''(a) SENSE OF CONGRESS.—It is the sense of Congress that—

''(1) any future modification to the nuclear weapons employment strategy, plans, and options 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 weapons employment strategy, plans, and options 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 weapons employment strategy, plans, and options of the United States.''.

(b) REPORTS ON STRATEGY.—Section 491 of title 10, United States Code, is—

(1) transferred to chapter 24 of such title, as added by subsection (c)(1); and

(2) amended—

*(A) in the heading, by inserting ''**weapons**'' after ''**Nuclear**'';*

(B) by striking ''nuclear employment strategy'' each place it appears and inserting ''nuclear weapons employment strategy'';

(C) in paragraph (1)—

(i) by inserting ''the'' after ''modifications to''; and

(ii) by inserting '', plans, and options'' after ''employment strategy'';

(D) by inserting after paragraph (3) the following new paragraph:

''(4) the extent to which such modifications include an increased reliance on conventional or non-nuclear global strike capabilities or missile defenses of the United States.'';

(E) by striking ''On the date'' and inserting ''(a) REPORTS.—On the date''; and

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

''(b) ANNUAL BRIEFINGS.—Not later than March 15 of each year, the Secretary of Defense shall provide to the congressional defense committees a briefing regarding the nuclear weapons employment strategy, plans, and options of the United States.''.

(c) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER 24.—Part I of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 24—NUCLEAR POSTURE

''Sec.
''491. Nuclear weapons employment strategy of the United States: modification of strategy.''.

(2) TABLE OF CHAPTERS.—The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle, are each amended by inserting after the item relating to chapter 23 the following new item:

''24. Nuclear posture ..... 491''.

(3) TRANSFER OF PROVISIONS.—

(A) CHAPTER 23.—Chapter 23 of title 10, United States Code, is amended as follows:

(i) Section 490a is—

(I) transferred to chapter 24 of such title, as added by paragraph (1);

(II) inserted after section 491 of such title, as added to such chapter 24 by subsection (b)(1); and

(III) redesignated as section 492.

(ii) The table of sections at the beginning of such chapter 23 is amended by striking the items relating to sections 490a and 491.

(B) FY12 NDAA.—Section 1077 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 50 U.S.C. 2514) is—

(i) transferred to chapter 24 of title 10, United States Code, as added by paragraph (1);

(ii) inserted after section 492 of such title, as added by subparagraph (A)(i);

(iii) redesignated as section 493; and

(iv) amended by striking ''the date of the enactment of this Act'' and inserting ''December 31, 2011,''.

(C) CHAPTER 24.—The table of sections at the beginning of chapter 24 of title 10, United States Code, as added by paragraph (1), is amended by inserting after the item relating to section 491 the following new items:

''492. Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system.

''493. Reports to Congress on the modification of the force structure for the strategic nuclear weapons delivery systems of the United States.''.

(4) CONFORMING AMENDMENT.—Section 1041(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1574) is amended by striking ''section 490a of title 10, United States Code, as added by subsection (a),'' and inserting ''section 492 of title 10, United States Code,''.

SEC. 1052. COMMITMENTS FOR NUCLEAR WEAPONS STOCKPILE MODERNIZATION.

(a) FINDINGS.—Congress finds the following:

(1) In 2008, then Secretary of Defense Robert Gates warned that ''to be blunt, there is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program.''.

(2) Secretary Gates also warned in September 2009 that modernization is a prerequisite to nuclear force reductions, stating that modernizing the nuclear capability of the United States is an ''enabler of arms control and our ability to reduce the size of our nuclear stockpile. When we have more confidence in the long-term viability of our weapons systems, then our ability to reduce the number of weapons we must keep in the stockpile is enhanced.''.

(3) President Obama's 2010 Nuclear Posture Review stated that—

(A) ''In order to sustain a safe, secure, and effective U.S. nuclear stockpile as long as nuclear weapons exist, the United States must possess a modern physical infrastructure—comprised of the national security laboratories and a complex of supporting facilities.''; and

(B) ''[I]mplementation of the Stockpile Stewardship Program and the nuclear infrastructure investments recommended in the NPR will allow the United States to shift away from retaining large numbers of non-deployed warheads as a hedge against technical or geopolitical surprise, allowing major reductions in the nuclear stockpile. These investments are essential to facilitating reductions while sustaining deterrence under New START and beyond.''.

(4) Section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549) required the President to submit a report to Congress on the plan for the nuclear weapons stockpile, nuclear weapons complex, and delivery platforms at the time a follow-on treaty to the Strategic Arms Reduction Treaty was submitted by the President to the Senate. The President submitted such report in May 2010 and submitted updates in November 2010 and February 2011.

(5) Such section 1251 also contained a sense of Congress that ''the enhanced safety, security, and reliability of the nuclear weapons stockpile, modernization of the nuclear weapons complex, and maintenance of nuclear delivery systems are key to enabling further reductions in the nuclear forces of the United States.''.

(6) Forty-one Senators wrote to President Obama on December 15, 2009, stating, ''we don't believe further reductions can be in the national security interest of the U.S. in the absence of a significant program to modernize our nuclear deterrent.''.

(7) Former Secretary of Defense and Secretary of Energy James Schlesinger stated, while testifying before the Committee on Foreign Relations of the Senate in April 2010, ''I believe that it is immensely important for the Senate to ensure, what the Administration has stated as its intent, i.e., that there be a robust plan with a continuation of its support over the full 10 years, before it proceeds to ratify this START follow-on treaty.''.

(8) Former Secretary of State James Baker stated in testimony before the Committee on Foreign Relations of the Senate in May 2010 that ''because our security is based upon the safety and reliability of our nuclear weapons, it is important that our Government budget enough money to guarantee that those weapons can carry out their mission.''.

(9) Former Secretary of State Henry Kissinger also stated in May 2010 while testifying before the Committee on Foreign Relations of the Senate that ''as part of a number of recommendations, my colleagues, Bill Perry, George Shultz, Sam Nunn, and I have called for significant investments in a repaired and modernized nuclear weapons infrastructure and added resources for the three national laboratories.''.

(10) Then Secretary of Defense Robert Gates, while testifying before the Committee on Armed Services of the Senate in June 2010, stated, ''I see this treaty as a vehicle to finally be able to get what we need in the way of modernization that we have been unable to get otherwise. . . . We are essentially the only nuclear power in the world that is not carrying out these kinds of modernization programs.''.

(11) Secretary Gates further stated that ''I've been up here for the last four springs trying to get money for this and this is the first time I think I've got a fair shot of actually getting money for our nuclear arsenal.''.

(12) The Directors of the national nuclear weapons laboratories wrote to the chairman and ranking member of the Committee on Foreign Relations of the Senate in December 2010 that ''We are very pleased by the update to the Section 1251 Report, as it would enable the laboratories to execute our requirements for ensuring a safe, secure, reliable and effective stockpile under the Stockpile Stewardship and Management Plan. In particular, we are pleased because it clearly responds to many of the concerns that we and others have voiced in the past about potential future-year funding shortfalls, and it substantially reduces risks to the overall program. In summary, we believe that the proposed budgets provide adequate support to sustain the safety, security, reliability and effectiveness of America's nuclear deterrent within the limit of 1,550 deployed strategic warheads established by the New START Treaty with adequate confidence and acceptable risk.''.

(13) President Obama pledged, in a December 2010 letter to several Senators, ''I recognize that nuclear modernization requires investment for the long-term. . . . That is my commitment to the Congress—that my Administration will pursue these programs and capabilities for as long as I am President.''.

(14) Secretary Gates added in May 2011 that, ''this modernization program was very carefully worked out between ourselves and the Department of Energy; and, frankly, where we came out on that played a fairly significant role in the willingness of the Senate to ratify the New START agreement.''.

(15) The Administrator for Nuclear Security, Thomas D'Agostino, testified before Congress in November 2011 that, ''it is critical to accept the linkage between modernizing our current stockpile in order to achieve the policy objective of decreasing the number of weapons we have in our stockpile, while still ensuring that the deterrent is safe, secure, and effective.''.

(b) NEW START TREATY DEFINED.—In this subtitle, the term ''New START Treaty'' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

SEC. 1053. LIMITATION AND REPORT IN THE EVENT OF INSUFFICIENT FUNDING FOR MODERNIZATION OF NUCLEAR WEAPONS STOCKPILE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) consistent with Condition 9 of the Resolution of Advice and Consent to Ratification of the New START Treaty of the Senate, agreed to on December 22, 2011, the United States is committed to ensuring the safety, security, reliability, and credibility of its nuclear forces; and

(2) the United States is committed to—

(A) proceeding with a robust stockpile stewardship program and maintaining and modernizing nuclear weapons production capabilities and capacities of the United States to ensure the safety, security, reliability, and credibility of the nuclear arsenal of the United States at the New START Treaty levels and meeting requirements for hedging against possible international developments or technical problems;

(B) reinvigorating and sustaining the nuclear security laboratories of the United States and preserving the core nuclear weapons competencies therein; and

(C) providing the resources needed to achieve these objectives, at a minimum at the levels set forth in the President's 10-year plan provided to Congress in November 2010 pursuant to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549).

(b) INSUFFICIENT FUNDING REPORT AND LIMITATION.—

(1) IN GENERAL.—Paragraph (2) of section 1045(a) of the National Defense Authorization Act for Fiscal Year 2012 (50 U.S.C. 2523b) is amended to read as follows:

''(2) INSUFFICIENT FUNDING.—

''(A) REPORT.—During each year in which the New START Treaty is in force, if the President determines that an appropriations Act is enacted that fails to meet the resource levels set forth in the November 2010 update to 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 the appropriate congressional committees, within 60 days of making such a determination, a report detailing—

''(i) a plan to remedy the resource shortfall;

''(ii) if more resources are required to carry out the plan than were estimated—

''(I) the proposed level of funding required; and

''(II) an identification of the stockpile work, campaign, facility, site, asset, program, operation, activity, construction, or project for which additional funds are required;

''(iii) any effects caused by the shortfall on the safety, security, reliability, or credibility of the nuclear forces of the United States; and

''(iv) whether and why, in light of the shortfall, remaining a party to the New START Treaty is in the national interest of the United States.

''(B) LIMITATION.—If the President submits a report under subparagraph (A), none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense or the National Nuclear Security Administration may be used to reduce the number of deployed nuclear warheads until—

''(i) after the date on which such report is submitted, the President certifies in writing to the appropriate congressional committees that the resource shortfall identified in such report has been addressed; and

''(ii) a period of 120 days has elapsed following the date on which such certification is made.

''(C) EXCEPTION.—The limitation in subparagraph (B) shall not apply to—

''(i) reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and strategic delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and strategic delivery systems; or

''(ii) nuclear warheads that are retired or awaiting dismantlement on the date of the report under subparagraph (A).

''(D) DEFINITIONS.—In this paragraph:

''(i) The term 'appropriate congressional committees' means—

''(I) the congressional defense committees; and

''(II) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

''(ii) 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.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2012.

SEC. 1054. PROGRESS OF MODERNIZATION.

(a) FINDINGS.—Congress finds the following:

(1) In 2008, then Secretary of Defense Robert Gates warned that ''to be blunt, there is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program.''.

(2) The 2010 Nuclear Posture Review stated that ''the President has directed a review of post-New START arms control objectives, to consider future reductions in nuclear weapons. Several factors will influence the magnitude and pace of future reductions in U.S. nuclear forces below New START levels'', including—

(A) ''First, any future nuclear reductions must continue to strengthen deterrence of potential regional adversaries, strategic stability vis-à-vis Russia and China, and assurance of our allies and partners. This will require an updated assessment of deterrence requirements; further improvements in U.S., allied, and partner nonnuclear capabilities; focused reductions in strategic and non-strategic weapons; and close consultations with allies and partners. The United States will continue to ensure that, in the calculations of any potential opponent, the perceived gains of attacking the United States or its allies and partners would be far outweighed by the unacceptable costs of the response.'';

(B) ''Second, implementation of the Stockpile Stewardship Program and the nuclear infrastructure investments recommended in the NPR will allow the United States to shift away from retaining large numbers of non-deployed warheads as a hedge against technical or geopolitical surprise, allowing major reductions in the nuclear stockpile. These investments are essential to facilitating reductions while sustaining deterrence under New START and beyond.''; and

(C) ''Third, Russia's nuclear force will remain a significant factor in determining how much and how fast we are prepared to reduce U.S. forces. Because of our improved relations, the need for strict numerical parity between the two countries is no longer as compelling as it was during the Cold War. But large disparities in nuclear capabilities could raise concerns on both sides and among U.S. allies and partners, and may not be conducive to maintaining a stable, long-term strategic relationship, especially as nuclear forces are significantly reduced. Therefore, we will place importance on Russia joining us as we move to lower levels.''.

(3) The 2010 Nuclear Posture Review also stated that the Administration would ''conduct follow-on analysis to set goals for future nuclear reductions below the levels expected in New START, while strengthening deterrence of potential regional adversaries, strategic stability vis-à-vis Russia and China, and assurance of our allies and partners.''.

(4) The Secretary of Defense has warned in testimony before the Committee on Armed Services of the House of Representatives regarding the sequestration mechanism under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 that ''if this sequester goes into effect and it doubles the number of cuts, then it'll truly devastate our national defense, because it will then require that we have to go at our force structure. We will have to hollow it out . . . [i]t will badly damage our capabilities for the future. . . . And if you have a smaller force, you're not going to be able to be out there responding in as many areas as we do now.''.

(5) The 2010 Nuclear Posture Review also stated that ''by modernizing our aging nuclear facilities and investing in human capital, we can substantially reduce the number of nuclear weapons we retain as a hedge.''.

(6) The President requested the promised $7,600,000,000 for weapons activities of the National Nuclear Security Administration in fiscal year 2012 but signed an appropriations Act for fiscal year 2012 that provided only $7,233,997,000, a substantial reduction to only the second year of the ten-year plan under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549).

(7) The President requested only $7,577,341,000 for weapons activities of the National Nuclear Security Administration in fiscal year 2013 while the President's section 1251 plan promised $7,900,000,000.

(8) The President's section 1251 plan further promised to request $8,400,000,000 in fiscal year 2014, $8,700,000,000 in fiscal year 2015, $8,900,000,000 in fiscal year 2016, at least $8,900,000,000 in fiscal year 2017, at least $9,200,000,000 in fiscal year 2018, at least $9,400,000,000 in fiscal year 2019, at least $9,400,000,000 in fiscal year 2020, and at least $9,500,000,000 in fiscal year 2021.

(9) While the administration has not yet shared with Congress the terms of reference of the so-called Nuclear Posture Review Implementation Study, or the Department of Defense's instructions for that review, the only publicly available statements by the administration, including language from the Nuclear Posture Review, suggest the review was specifically instructed by the President and his senior political appointees to only consider reductions to the nuclear forces of the United States.

(10) When asked at a hearing if the New START Treaty allowed the United States ''to maintain a nuclear arsenal that is more than is needed to guarantee an adequate deterrent,'' then Commander of the United States Strategic Command, General Kevin P. Chilton said, ''I do not agree that it is more than is needed. I think the arsenal that we have is exactly what is needed today to provide the deterrent.''.

(b) NUCLEAR EMPLOYMENT STRATEGY.—Section 491 of title 10, United States Code, as amended by section 1051, is amended by adding after subsection (b) the following:

''(c) LIMITATION.—With respect to a new nuclear weapons employment strategy described in a report submitted to Congress under subsection (a), none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense may be used to implement such strategy until a period of one year has elapsed following the date on which such report is submitted to Congress.''.

(c) LIMITATION.—During each of fiscal years 2012 through 2021, none of the funds made available for each such fiscal year for the Department of Defense may be used to carry out the results of the decisions made pursuant to the 2010 Nuclear Posture Review Implementation Study that would alter the nuclear weapons employment strategy, guidance, plans, or options of the United States until the date on which the President certifies to the congressional defense committees that—

(1) the President has included the resources necessary to carry out the February 2011 update to the report required under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549) in the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for such fiscal year;

(2) the resources described in paragraph (1) have been provided to the President in an appropriations Act; and

(3) the sequestration mechanism under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 has been repealed or the sequestration mechanism under such section for the security category has otherwise been terminated.

SEC. 1055. LIMITATION ON STRATEGIC DELIVERY SYSTEM REDUCTIONS.

(a) FINDINGS.—Congress finds the following:

(1) The Nuclear Posture Review of 2010 said, with respect to modernizing the triad, ''for planned reductions under New START, the United States should retain a smaller Triad of SLBMs, ICBMs, and heavy bombers. Retaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities.''.

(2) The Senate stated in Declaration 13 of the Resolution of Advice and Consent to Ratification of the New START Treaty that ''In accordance with paragraph 1 of Article V of the New START Treaty, which states that, 'Subject to the provisions of this Treaty, modernization and replacement of strategic offensive arms may be carried out,' it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems.''.

(3) The Senate required the President, prior to the entry into force of the New START Treaty, to certify to the Senate that the President intended to modernize or replace the triad of strategic nuclear delivery systems.

(4) The President made this certification in a message to the Senate on February 2, 2011, in which the President stated, ''I intend to (a) modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM; and (b) maintain the United States rocket motor industrial base.''.

(b) LIMITATION.—

(1) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1051, is amended by adding at the end the following new section:

''§ 494. Strategic delivery system reductions

''(a) ANNUAL CERTIFICATION.—Beginning fiscal year 2013, the President shall annually certify in writing to the congressional defense committees whether plans to modernize or replace strategic delivery systems are fully resourced and being executed at a level equal to or more than the levels set forth in the November 2010 update to the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549), including plans regarding—

''(1) a heavy bomber and air-launched cruise missile;

''(2) an intercontinental ballistic missile;

''(3) a submarine-launched ballistic missile;

''(4) a ballistic missile submarine; and

''(5) maintaining—

''(A) the nuclear command and control system; and

''(B) the rocket motor industrial base of the United States.

''(b) LIMITATION.—If the President certifies under subsection (a) that plans to modernize or replace strategic delivery systems are not fully resourced or being executed, none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense may be used to reduce, convert, or eliminate strategic delivery systems, whether deployed or nondeployed, pursuant to the New START Treaty or otherwise until a period of 120 days has elapsed following the date on which such certification is made.

''(c) EXCEPTION.—The limitation in subsection (b) shall not apply to—

''(1) reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and strategic delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and delivery systems; or

''(2) strategic delivery systems that are retired or awaiting dismantlement on the date of the certification under subsection (a).

''(d) DEFINITIONS.—In this section:

''(1) 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.

''(2) The term 'strategic delivery system' means a delivery platform for nuclear weapons.''.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''494. Strategic delivery system reductions.''.

SEC. 1056. PREVENTION OF ASYMMETRY OF NUCLEAR WEAPON STOCKPILE REDUCTIONS.

(a) FINDINGS.—Congress finds the following:

(1) Then Secretary of Defense Robert Gates warned in 2008 that, ''There is no way to ignore efforts by rogue states such as North Korea and Iran to develop and deploy nuclear weapons or Russian or Chinese strategic modernization programs. To be sure, we do not consider Russia or China as adversaries, but we cannot ignore these developments and the implications they have for our national security.''.

(2) The 2010 Nuclear Posture Review stated that, ''large disparities in nuclear capabilities could raise concerns on both sides and among U.S. allies and partners, and may not be conducive to maintaining a stable, long-term strategic relationship, especially as nuclear forces are significantly reduced.''.

(3) The Senate stated in the Resolution of Advice and Consent to Ratification of the New START Treaty that, ''It is the sense of the Senate that, in conducting the reductions mandated by the New START Treaty, the President should regulate reductions in United States strategic offensive arms so that the number of accountable strategic offensive arms under the New START Treaty possessed by the Russian Federation in no case exceeds the comparable number of accountable strategic offensive arms possessed by the United States to such an extent that a strategic imbalance endangers the national security interests of the United States.''.

(4) At a hearing before the Committee on Armed Services of the House of Representatives in 2011, Secretary of Defense Leon Panetta said, with respect to unilateral nuclear reductions by the United States, ''I don't think we ought to do that unilaterally—we ought to do that on the basis of negotiations with the Russians and others to make sure we are all walking the same path.''.

(b) CERTIFICATION.—Section 1045 of the National Defense Authorization Act for Fiscal Year 2012 (50 U.S.C. 2523b) is amended by adding at the end the following new subsection:

''(d) PREVENTION OF ASYMMETRY IN REDUCTIONS.—

''(1) CERTIFICATION.—During any year in which the President recommends to reduce the number of nuclear weapons in the active and inactive stockpiles of the United States by a number that is greater than one percent of the number of nuclear weapons in such stockpiles, the President shall certify in writing to the congressional defense committees whether such reductions will cause the number of nuclear weapons in such stockpiles to be fewer than the number of nuclear weapons in the active and inactive stockpiles of the Russian Federation.

''(2) LIMITATION.—If the President certifies under paragraph (1) that the recommended number of nuclear weapons in the active and inactive stockpiles of the United States is fewer than the number of nuclear weapons in the active and inactive stockpiles of the Russian Federation, none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense or the National Nuclear Security Administration may be used to carry out any reduction to such stockpiles of the United States until—

''(A) after the date on which such certification is made, the President transmits to the congressional defense committees a report by the Commander of the United States Strategic Command, without change, detailing whether the recommended reduction would create a strategic imbalance between the total nuclear forces of the United States and the total nuclear forces of the Russian Federation; and

''(B) a period of 180 days has elapsed following the date on which such report is transmitted.

''(3) EXCEPTION.—The limitation in paragraph (2) shall not apply to—

''(A) reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and strategic delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and strategic delivery systems; or

''(B) nuclear warheads that are retired or awaiting dismantlement on the date of the certification under paragraph (1).''.

SEC. 1057. CONSIDERATION OF EXPANSION OF NUCLEAR FORCES OF OTHER COUNTRIES.

(a) FINDINGS.—Congress finds the following:

(1) The Resolution of Advice and Consent to Ratification of the New START Treaty of the Senate said, ''It is the sense of the Senate that if, during the time the New START Treaty remains in force, the President determines that there has been an expansion of the strategic arsenal of any country not party to the New START Treaty so as to jeopardize the supreme interests of the United States, then the President should consult on an urgent basis with the Senate to determine whether adherence to the New START Treaty remains in the national interest of the United States.''.

(2) In 2011, experts testified before the Committee on Armed Services of the House of Representatives that—

(A) ''Russia is modernizing every leg of its nuclear triad with new, more advanced systems'', including new ballistic missile submarines, new heavy intercontinental ballistic missiles carrying up to 15 warheads each, new shorter range ballistic missiles, and new low-yield warheads; and

(B) ''China is steadily increasing the numbers and capabilities of the ballistic missiles it deploys and is upgrading older ICBMs to newer, more advanced systems. China also appears to be actively working to develop a submarine-based nuclear deterrent force, something it has never had. . . . A recent unclassified Department of Defense report says that this network of tunnels could be in excess of 5,000 kilometers and is used to transport nuclear weapons and forces.''.

(b) REPORT AND CERTIFICATION.—

(1) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1051, is amended by adding at the end the following new section:

''§ 495. Consideration of expansion of nuclear forces of other countries

''(a) REPORT AND CERTIFICATION.—During any year in which the President recommends any reductions in the nuclear forces of the United States, none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense or the National Nuclear Security Administration may be used for such recommended reduction until the date on which—

''(1) the President transmits to the appropriate congressional committees a report detailing, for each country with nuclear weapons—

''(A) the number of each type of nuclear weapons possessed by such country;

''(B) the modernization plans for such weapons of such country;

''(C) the production capacity of nuclear warheads and strategic delivery systems (as defined in section 491(c) of this title) of such country; and

''(D) the nuclear doctrine of such country; and

''(2) the Commander of the United States Strategic Command certifies to the appropriate congressional committees whether such recommended reductions in the nuclear forces of the United States will—

''(A) impair the ability of the United States to address—

''(i) unplanned strategic or geopolitical events; or

''(ii) technical challenge; or

''(B) degrade the deterrence or assurance provided by the United States to friends and allies of the United States.

''(b) FORM.—The reports required by subsection (a)(1) shall be submitted in unclassified form, but may include a classified annex.

''(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means the following:

''(1) The congressional defense committees.

''(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.''.

(2) The table of sections at the beginning of chapter 24 of title 10, United States Code, is amended by inserting after the item relating to section 494 the following new item:

''495. Consideration of expansion of nuclear forces of other countries.''.

SEC. 1058. CHEMISTRY AND METALLURGY RESEARCH REPLACEMENT NUCLEAR FACILITY AND URANIUM PROCESSING FACILITY.

(a) FINDINGS.—Congress finds the following:

(1) Administrator for Nuclear Security Thomas D'Agostino testified before the Committee on Armed Services of the House of Representatives in February 2008 that ''Infrastructure improvements are a major part of the complex transformation plan that we have, and we've made important progress, but we have a lot more to do. Some major facilities that we have date back to World War II and cannot readily meet today's safety and security requirements. Let me give you just two quick examples, if I could. A sufficient capability to work with plutonium is an essential part of a national security enterprise and is required for as long as we retain a nuclear deterrent, and most likely even longer. Currently, we have a very small production capacity at Los Alamos, about 10 pits per year, at our TA–55 area. Our building at Los Alamos,

the Chemistry and Metallurgy Research Facility, is well over 50 years old and is insufficient to support the national security requirements for the stockpile and for future national security mission areas. So, whether we continue on our existing path or move towards a replacement modern warhead-type stockpile, we still need the capacity to produce about 50 to 80 pits per year, which is less than one-tenth of our Cold War level, as well as the ability to carry out pit surveillance, which is an essential part of maintaining our stockpile.''.

(2) Then Commander of the United States Strategic Command General Kevin P. Chilton also testified in February 2008 that ''When you have a responsive complex that has the capacity to flex to production as you may need it or adjust your deployed force posture in the future, should you need it—in other words, if we go to a lower number, you need to be certain that you can come back up, should the strategic environment change, and you can't necessarily without that flexible or responsive infrastructure behind it, and that's probably one of my great concerns. And then how you posture both the portion of your stockpile that you hold in reserve and your confidence in the weapons that you have deployed is very much a function of modernizing, in my view, the weapons systems that we have available today, which are, as the secretary described, of Cold War legacy design, and the associated issues with them.''.

(3) The Congressional Commission on the Strategic Posture of the United States reported in May 2009, with respect to the timing of the replacement of the nuclear weapons infrastructure of the United States, that ''This raises an obvious question about whether these two replacement programs might proceed in sequence rather than concurrently. There are strong arguments for moving forward concurrently. Existing facilities are genuinely decrepit and are maintained in a safe and secure manner only at high cost. Moreover, the improved production capabilities they promise are integral to the program of refurbishment and modernization described in the preceding chapter. If funding can be found for both, this would best serve the national interest in maintaining a safe, secure, and reliable stockpile of weapons in the most effective and efficient manner.''.

(4) The 2010 Nuclear Posture Review states—

(A) ''The National Nuclear Security Administration (NNSA), in close coordination with DoD, will provide a new stockpile stewardship and management plan to Congress within 90 days, consistent with the increases in infrastructure investment requested in the President's FY 2011 budget. As critical infrastructure is restored and modernized, it will allow the United States to begin to shift away from retaining large numbers of non-deployed warheads as a technical hedge, allowing additional reductions in the U.S. stockpile of non-deployed nuclear weapons over time.'';

(B) ''In order to sustain a safe, secure, and effective U.S. nuclear stockpile as long as nuclear weapons exist, the United States must possess a modern physical infrastructure—comprised of the national security laboratories and a complex of supporting facilities.'';

(C) ''Funding the Chemistry and Metallurgy Research Replacement Project at Los Alamos National Laboratory to replace the existing 50-year old Chemistry and Metallurgy Research facility in 2021.'';

(D) ''Developing a new Uranium Processing Facility at the Y–12 Plant in Oak Ridge, Tennessee to come on line for production operations in 2021.'';

(E) ''Without an ability to produce uranium components, any plan to sustain the stockpile, as well as support for our Navy nuclear propulsion, will come to a halt. This would have a significant impact, not just on the weapons program, but in dealing with nuclear dangers of many kinds.''; and

(F) ''The non-deployed stockpile currently includes more warheads than required for the above purposes, due to the limited capacity of the National Nuclear Security Administration (NNSA) complex to conduct LEPs for deployed weapons in a timely manner. Progress in restoring NNSA's production infrastructure will allow these excess warheads to be retired along with other stockpile reductions planned over the next decade.''.

(5) In the memorandum of agreement between the Department of Defense and the Department of Energy concerning the modernization of the nuclear weapon stockpile of the United States dated May 3, 2010, then Secretary of Defense Robert Gates and Secretary of Energy Steven Chu agreed that ''DOE Agrees to . . . increase pit production capacity . . . plan and program to ramp up to a minimum of 50–80 PPY in 2022.''.

(6) The plan required under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549) submitted by the President states that the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility will complete construction by 2021 and will achieve full operational functionality by 2024.

(7) The Senate required that, prior to the entry into force of the New START Treaty, the President certifies to the Senate that the President intends to—

(A) accelerate to the extent possible the design and engineering phase of the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility; and

(B) request full funding, including on a multiyear basis as appropriate, for the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility upon completion of the design and engineering phase for such facilities.

(8) The President did request full funding for such facilities on February 2, 2011, when the President stated, ''I intend to (a) accelerate, to the extent possible, the design and engineering phase of the Chemistry and Metallurgy Research Replacement (CMRR) building and the Uranium Processing Facility (UPF); and (b) request full funding, including on a multi-year basis as appropriate, for the CMRR building and the UPF upon completion of the design and engineering phase for such facilities.''.

(b) LIMITATION.—Section 1045 of the National Defense Authorization Act for Fiscal Year 2012 (50 U.S.C. 2523b), as amended by section 1056(b), is amended by adding at the end the following new subsection:

''(e) CMRR AND UPF.—

''(1) ANNUAL CERTIFICATION.—Beginning fiscal year 2013, the President shall annually certify in writing to the congressional defense committees whether—

''(A) the construction of both the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility will be completed by not later than 2021; and

''(B) both facilities will be fully operational by not later than 2024.

''(2) LIMITATION.—If the President certifies under paragraph (1) that the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility will be completed by later than 2021 or be fully operational by later than 2024, none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the National Nuclear Security Administration may be used to reduce the non-deployed nuclear warheads in the nuclear weapons stockpile of the United States until a period of 120 days has elapsed following the date of such certification.

''(3) EXCEPTION.—The limitation in paragraph (2) shall not apply to—

''(A) reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and strategic delivery systems; or

''(B) nuclear warheads that are retired or awaiting dismantlement on the date of the certification under paragraph (1).

''(4) TERMINATION.—The requirement in paragraph (1) shall terminate on the date on which the President certifies in writing to the congressional defense committees that the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility are both fully operational.''.

SEC. 1059. NUCLEAR WARHEADS ON INTERCONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that reducing the number of nuclear warheads contained on each intercontinental ballistic missile of the United States does not promote strategic stability if at the same time other nuclear weapons states, including the Russian Federation and the People's Republic of China, are rapidly increasing the warhead-loading of their land-based missile forces.

(b) LIMITATION.—

(1) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1051, is amended by adding at the end the following new section:

''§ 496. Nuclear warheads on intercontinental ballistic missiles of the United States

''(a) IN GENERAL.—During any year in which the President proposes to reduce the number of nuclear warheads contained on an intercontinental ballistic missile of the United States, none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense or the National Nuclear Security Administration may be used for such proposed reduction if the reduction results in such missile having only a single nuclear warhead unless the President certifies in writing to the congressional defense committees that the Russian Federation and the People's Republic of China are both also carrying out a similar reduction.

''(b) EXCEPTION.—The limitation in subsection (a) shall not apply to reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and strategic delivery systems.''.

(2) The table of sections at the beginning of chapter 24 of title 10, United States Code, is amended by inserting after the item relating to section 495 the following:

''496. Nuclear warheads on intercontinental ballistic missiles of the United States.''.

SEC. 1060. NONSTRATEGIC NUCLEAR WEAPON REDUCTIONS AND EXTENDED DETERRENCE POLICY.

(a) FINDINGS.—Congress finds the following:

(1) The NATO Strategic Concept of 2010 endorsed the continued role of nuclear weapons in the security of the NATO alliance, stating—

(A) ''The supreme guarantee of the security of the Allies is provided by the strategic nuclear forces of the Alliance, particularly those of the United States; the independent strategic nuclear forces of the United Kingdom and France, which have a deterrent role of their own, contribute to the overall deterrence and security of the Allies.'';

(B) ''We will ensure that NATO has the full range of capabilities necessary to deter and defend against any threat to the safety and security of our populations. Therefore, we will . . . maintain an appropriate mix of nuclear and conventional forces''; and

(C) ''[NATO will] ensure the broadest possible participation of Allies in collective defence planning on nuclear roles, in peacetime basing of nuclear forces, and in command, control and consultation arrangements.''.

(2) However, the 2010 Strategic Concept also walked away from the decades-long policy encapsulated by the 1999 Strategic Concept that

said, ''The presence of United States conventional and nuclear forces in Europe remains vital to the security of Europe, which is inseparably linked to that of North America.''.

(3) Former Secretary of Defense William Perry said in March 2011 testimony before the Subcommittee on Strategic Forces of the Committee on Armed Services of the House of Representatives that ''the reason we have nuclear weapons in Europe in the first place, is not because the rest of our weapons are not capable of deterrence, but because, during the Cold War at least, our allies in Europe felt more assured when we had nuclear weapons in Europe. That is why they were deployed there in the first place. Today the issue is a little different. The issue is the Russians in the meantime have built a large number of nuclear weapons, and we keep our nuclear weapons there as somewhat of a political leverage for dealing with an ultimate treaty in which we may get Russia and the United States to eliminate tactical nuclear weapons. My own view is it would be desirable if both the United States and Russia would eliminate tactical nuclear weapons, but I see it as very difficult to arrive at that conclusion if we were to simply eliminate all of our tactical nuclear weapons unilaterally.''.

(4) During testimony before the Subcommittee on Strategic Forces of the Committee on Armed Services of the House of Representatives in July 2011—

(A) former Department of Defense official Frank Miller stated, ''as long as U.S. allies believe that those weapons need to be there, we need to make sure that we provide that security.''; and

(B) former Department of Defense official Mort Halperin stated, ''I do not think we should be willing to trade our withdrawal of our nuclear weapons from Europe for some reduction, even a substantial reduction, in Russian tactical nuclear weapons because if it is . . . that the credibility of the American nuclear deterrent for our NATO allies depends on the presence of nuclear weapons in Europe, that will not change if the Russians cut their tactical nuclear arsenal by two thirds, or even eliminate it because they will still have their strategic weapons, which, while they can't have intermediate range missiles, they can find a way to target them on the NATO countries.''.

(5) Section 1237(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) expressed the sense of Congress that—

(A) the commitment of the United States to extended deterrence in Europe and the nuclear alliance of NATO is an important component of ensuring and linking the national security of the United States and its European allies;

(B) the nuclear forces of the United States are a key component of the NATO nuclear alliance; and

(C) the presence of the nuclear weapons of the United States in Europe—combined with NATO's unique nuclear sharing arrangements under which non-nuclear members participate in nuclear planning and possess specially configured aircraft capable of delivering nuclear weapons—provides reassurance to NATO allies who feel exposed to regional threats.

(b) LIMITATION.—Chapter 24 of title 10, United States Code, as added by section 1051, is amended by adding at the end the following new section:

''§ 497. Limitation on reduction, consolidation, or withdrawal of nuclear forces based in Europe

''(a) POLICY ON NONSTRATEGIC NUCLEAR WEAPONS.—It is the policy of the United States—

''(1) to pursue negotiations with the Russian Federation aimed at the reduction of Russian deployed and nondeployed, nonstrategic nuclear forces;

''(2) that nonstrategic nuclear weapons should be considered when weighing the balance of the nuclear forces of the United States and the Russian Federation;

''(3) that any geographical relocation or storage of nonstrategic nuclear weapons by the Russian Federation does not constitute a reduction or elimination of such weapons;

''(4) the vast advantage of the Russian Federation in nonstrategic nuclear weapons constitutes a threat to the United States and its allies and a growing asymmetry in Western Europe; and

''(5) the forward-deployed nuclear forces of the United States are an important contributor to the assurance of the allies of the United States and constitute a check on proliferation and a tool in dealing with neighboring states hostile to NATO.

''(b) POLICY ON EXTENDED DETERRENCE COMMITMENT TO EUROPE.—It is the policy of the United States that—

''(1) it maintain its commitment to extended deterrence, specifically the nuclear alliance of the North Atlantic Treaty Organization, as an important component of ensuring and linking the national security interests of the United States and the security of its European allies;

''(2) forward-deployed nuclear forces of the United States shall remain based in Europe in support of the nuclear policy and posture of NATO;

''(3) the presence of nuclear weapons of the United States in Europe—combined with NATO's unique nuclear sharing arrangements under which non-nuclear members participate in nuclear planning and possess specially configured aircraft capable of delivering nuclear weapons—contributes to the cohesion of NATO and provides reassurance to allies and partners who feel exposed to regional threats; and

''(4) only the President and Congress can articulate when and how the United States will employ the nuclear forces of the United States and no multilateral organization, not even NATO, can articulate a declaratory policy concerning the use of nuclear weapons that binds the United States.

''(c) LIMITATION ON REDUCTION, CONSOLIDATION, OR WITHDRAWAL OF NUCLEAR FORCES BASED IN EUROPE.—In light of the policy expressed in subsections (a) and (b), none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense may be used to effect or implement the reduction, consolidation, or withdrawal of nuclear forces of the United States that are based in Europe unless—

''(1) the reduction, consolidation, or withdrawal of such nuclear forces is requested by the government of the host nation in the manner provided in the agreement between the United States and the host nation regarding the forces;

''(2) the President certifies that—

''(A) NATO member states have considered the reduction, consolidation, or withdrawal in the High Level Group;

''(B) NATO has decided to support such reduction, consolidation, or withdrawal;

''(C) the remaining nuclear forces of the United States that are based in Europe after such reduction, consolidation, or withdrawal would provide a commensurate or better level of assurance and credibility as before such reduction, consolidation, or withdrawal; and

''(D) there has been reciprocal action by the Russian Federation, not including the Russian Federation relocating nuclear forces from one location to another; or

''(3) the reduction, consolidation, or withdrawal of such nuclear forces is specifically authorized by an Act of Congress.

''(d) NOTIFICATION.—Upon any decision to reduce, consolidate, or withdraw the nuclear forces of the United States that are based in Europe, the President shall submit to the appropriate congressional committees a notification containing—

''(1) the certification required by paragraph (2) of subsection (c) if such reduction, consolidation, or withdrawal is based upon such paragraph;

''(2) justification for such reduction, consolidation, or withdrawal; and

''(3) an assessment of how NATO member states, in light of such reduction, consolidation, or withdrawal, assess the credibility of the deterrence capability of the United States in support of its commitments undertaken pursuant to article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964).

''(e) NOTICE AND WAIT REQUIREMENT.—The President may not commence a reduction, consolidation, or withdrawal of the nuclear forces of the United States that are based in Europe for which the certification required by subsection (c)(2) is made until the expiration of a 180-day period beginning on the date on which the President submits the notification under subsection (d) containing the certification.

''(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committees on Armed Services of the House of Representatives and the Senate; and

''(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 10, United States Code, is amended by inserting after the item relating to section 496 the following:

''497. Limitation on reduction, consolidation, or withdrawal of nuclear forces based in Europe.''.

SEC. 1061. IMPROVEMENTS TO NUCLEAR WEAPONS COUNCIL.

Section 179 of title 10, United States Code, is amended—

(1) in subsection (b)(3), by adding at the end the following: ''Not later than seven days before a meeting, the Chairman shall disseminate to each member of the Council the agenda and documents for such meeting.''; and

(2) in subsection (d)—

(A) in paragraph (2), by inserting ''and alternatives'' before the period;

(B) in paragraph (3), by inserting ''and approving'' after ''Coordinating'';

(C) in paragraph (7)—

(i) by striking ''broad'' and inserting ''specific''; and

(ii) by inserting before the period the following: ''and priorities among activities, including production, surveillance, research, construction, and any other programs within the National Nuclear Security Administration''; and

(D) by adding at the end the following new paragraph:

''(11) Coordinating and approving the annual budget proposals of the National Nuclear Security Administration, including before such proposals are submitted to—

''(A) the Director of the Office of Management and Budget;

''(B) the President; and

''(C) Congress under section 1105 of title 31.''.

SEC. 1062. INTERAGENCY COUNCIL ON THE STRATEGIC CAPABILITY OF THE NATIONAL LABORATORIES.

(a) ESTABLISHMENT.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 188. Interagency Council on the Strategic Capability of the National Laboratories

''(a) ESTABLISHMENT.—There is an Interagency Council on the Strategic Capability of the National Laboratories (in this section referred to as the 'Council').

''(b) MEMBERSHIP.—The membership of the Council is comprised of the following:

''(1) The Secretary of Defense.

''(2) The Secretary of Energy.

''(3) The Secretary of Homeland Security.

''(4) The Director of National Intelligence.

''(5) The Administrator for Nuclear Security.

''(6) Such other officials as the President considers appropriate.

''(c) STRUCTURE AND PROCEDURES.—The President may determine the chair, structure, staff, and procedures of the Council.

''(d) RESPONSIBILITIES.—The Council shall be responsible for the following matters:

''(1) Identifying and considering the science, technology, and engineering capabilities of the national laboratories that could be leveraged by each participating agency to support national security missions.

''(2) Reviewing and assessing the adequacy of the national security science, technology, and engineering capabilities of the national laboratories for supporting national security missions throughout the Federal Government.

''(3) Establishing and overseeing means of ensuring that—

''(A) capabilities identified by the Council under paragraph (1) are sustained to an appropriate level; and

''(B) each participating agency provides the appropriate level of institutional support to sustain such capabilities.

''(4) In accordance with acquisition rules regarding federally funded research and development centers, establishing criteria for when each participating agency should seek to use the services of the national laboratories, including the identification of appropriate mission areas and capabilities.

''(5) Making recommendations to the President and Congress regarding regulatory or statutory changes needed to better support—

''(A) the strategic capabilities of the national laboratories; and

''(B) the use of such laboratories by each participating agency.

''(6) Other actions the Council considers appropriate with respect to—

''(A) the sustainment of the national laboratories; and

''(B) the use of the strategic capabilities of such laboratories.

''(e) STREAMLINED PROCESS.—With respect to the participating agency for which a member of the Council is the head of, each member of the Council shall—

''(1) establish processes to streamline the consideration and approval of procuring the services of the national laboratories on appropriate matters; and

''(2) ensure that such processes are used in accordance with the criteria established under subsection (d)(4).

''(f) DEFINITIONS.—In this section:

''(1) The term 'participating agency' means a department or agency of the Federal Government that is represented on the Council by a member under subsection (b).

''(2) The term 'national laboratories' means—

''(A) each national security laboratory (as defined in section 3281(1) of the National Nuclear Security Administration Act (50 U.S.C. 2471(1))); and

''(B) each national laboratory of the Department of Energy.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 187 the following new item:

''188. Interagency Council on the Strategic Capability of the National Laboratories.''.

(c) REPORT.—

(1) IN GENERAL.—Not later than July 1, 2013, the Interagency Council on the Strategic Capability of the National Laboratories under section 188 of title 10, United States Code, as added by subsection (a), shall submit to the appropriate congressional committees a report describing and assessing the following:

(A) The actions taken to implement the requirements of such section 188 and the charter titled ''Governance Charter for an Interagency Council on the Strategic Capability of DOE National Laboratories as National Security Assets'' signed by the Secretary of Defense, the Secretary of Energy, the Secretary of Homeland Security, and the Director of National Intelligence in July 2010.

(B) The effectiveness of the Council in accomplishing the purpose and objectives of such section and such Charter.

(C) Efforts to strengthen work-for-others programs at the national laboratories.

(D) Efforts to make work-for-others opportunities more cost-effective.

(E) Ongoing and planned measures for increasing cost-sharing and institutional support investments from other agencies.

(F) Any regulatory or statutory changes recommended to improve the ability of such other agencies to leverage expertise and capabilities at such laboratories.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term ''appropriate congressional committees'' means the following:

(A) The congressional defense committees.

(B) The Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(C) The Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) The Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(E) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(d) CONSTRUCTION.—Nothing in section 188 of title 10, United States Code, as added by subsection (a), shall be construed to limit section 309 of the Homeland Security Act of 2002 (6 U.S.C. 189).

SEC. 1063. REPORT ON CAPABILITY OF CONVENTIONAL AND NUCLEAR FORCES AGAINST CERTAIN TUNNEL SITES.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Commander of the United States Strategic Command shall submit to the appropriate congressional committees a report on the underground tunnel network used by the People's Republic of China with respect to the capability of the United States to use conventional and nuclear forces to neutralize such tunnels and what is stored within such tunnels.

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

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 1064. REPORT ON CONVENTIONAL AND NUCLEAR FORCES IN THE WESTERN PACIFIC REGION.

(a) SENSE OF CONGRESS.—Congress—

(1) supports steps taken by the President to—

(A) reinforce the security of the allies of the United States; and

(B) strengthen the deterrent capability of the United States against the illegal and increasingly belligerent actions of North Korea; and

(2) encourages further steps, including such steps to deploy additional conventional forces of the United States and redeploy tactical nuclear weapons to the Western Pacific region.

(b) REPORT.—Not later than 90 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 a report on deploying additional conventional and nuclear forces to the Western Pacific region to ensure the presence of a robust conventional and nuclear capability, including a forward-deployed nuclear capability, of the United States in response to the ballistic missile and nuclear weapons developments of North Korea and the other belligerent actions North Korea has made against allies of the United States. The report shall include an evaluation of any bilateral agreements, basing arrangements, and costs that would be involved with such additional deployments.

SEC. 1065. SENSE OF CONGRESS ON NUCLEAR ARSENAL.

It is the sense of Congress that the nuclear force structure of the United States should be periodically reexamined, through nuclear posture reviews, to assess assumptions that shape the structure, size, and targeting of the nuclear forces of the United States and to ensure that such forces are structured, sized, and targeted—

(1) to be capable of holding at risk the assets that potential adversaries value; and

(2) to provide robust extended deterrence and assurance to allies of the United States.

Subtitle F—Studies and Reports

SEC. 1066. ASSESSMENT OF DEPARTMENT OF DEFENSE USE OF ELECTROMAGNETIC SPECTRUM.

(a) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report assessing the use of electromagnetic spectrum by the Department of Defense, including—

(1) a comparison of the actual and projected cost impact, time required to plan and implement, and policy implications of electromagnetic spectrum reallocations made since the enactment of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66, 107 Stat. 312);

(2) an identification of critical electromagnetic spectrum assignments where there is use by the Department of Defense that—

(A) cannot be eliminated, relocated, consolidated in other electromagnetic spectrum bands, or for which there is no commercial or non-spectrum alternative, including a detailed explanation of why that is the case; and

(B) can be eliminated, relocated, consolidated in other electromagnetic spectrum bands, or for which there is a commercial or non-spectrum alternative, including frequency of use, time necessary to relocate or consolidate to another electromagnetic spectrum band, and operational and cost impacts; and

(3) an analysis of the research being conducted by the Department of Defense in electromagnetic spectrum-sharing and other dynamic electromagnetic spectrum access technologies, including maturity level, applicability for spectrum relocation or consolidation, and potential costs for continued development or implementation.

(b) INTERIM UPDATE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing to update such committees on the status of the report required under subsection (b).

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1067. ELECTRONIC WARFARE STRATEGY OF THE DEPARTMENT OF DEFENSE.

(a) GUIDANCE REQUIRED.—Not later than January 1, 2013, the Secretary of Defense shall review and update Department of Defense guidance related to electronic warfare to ensure that oversight roles and responsibilities within the Department related to electronic warfare policy and programs are clearly defined. Such guidance shall clarify, as appropriate, the roles and responsibilities related to the integration of electronic warfare matters and cyberspace operations.

(b) PLAN REQUIRED.—Not later than January 1, 2013, the Commander of the United States Strategic Command shall update and issue guidance regarding the responsibilities of the Command with regard to joint electronic warfare capabilities. Such guidance shall—

(1) define the role and objectives of the Joint Electromagnetic Spectrum Control Center or any other center established in the Command to provide governance and oversight of electronic warfare matters; and

(2) include an implementation plan outlining tasks, metrics, and timelines to establish such a center.

(c) ADDITIONAL REPORTING REQUIREMENTS.—Section 1053(b)(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2459) is amended—

(1) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (C), by striking the period and inserting a semicolon; and

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

''(D) performance measures to guide the implementation of such strategy;

''(E) an identification of resources and investments necessary to implement such strategy; and

''(F) an identification of the roles and responsibilities within the Department to implement such strategy.''.

SEC. 1068. REPORT ON COUNTERPROLIFERATION CAPABILITIES AND LIMITATIONS.

(a) REPORT REQUIRED.—Not later than March 1, 2013, the Secretary of Defense shall provide to the congressional defense committees a report outlining operational capabilities, limitations, and shortfalls within the Department of Defense with respect to counterproliferation and combating weapons of mass destruction involving special operations forces and key enabling forces.

(b) ELEMENTS.—The report required under subsection (a) shall include each of the following elements:

(1) An overview of current capabilities and limitations.

(2) An overview and assessment of current and future training requirements and gaps.

(3) An assessment of technical capability gaps.

(4) An assessment of interagency coordination capabilities and gaps.

(5) An outline of current and future proliferation and weapons of mass destruction threats, including critical intelligence gaps.

(6) An assessment of current international bilateral and multilateral partnerships and the limitations of such partnerships, including an assessment of existing authorities to build partnership capacity in this area.

(7) A description of efforts to address the limitations and gaps referred to in paragraphs (1) through (6), including timelines and requirements to address such limitations and such gaps.

(8) Any other matters the Secretary considered appropriate.

Subtitle G—Miscellaneous Authorities and Limitations

SEC. 1071. RULE OF CONSTRUCTION RELATING TO PROHIBITION ON INFRINGING ON THE INDIVIDUAL RIGHT TO LAWFULLY ACQUIRE, POSSESS, OWN, CARRY, AND OTHERWISE USE PRIVATELY OWNED FIREARMS, AMMUNITION, AND OTHER WEAPONS.

Section 1062(c) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4363) is amended—

(1) in paragraph (1)(B), by striking ''; or'' and inserting a semicolon;

(2) in paragraph (2), by striking ''others.'' and inserting ''others; or''; and

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

''(3) authorize a mental health professional that is a member of the Armed Forces or a civilian employee of the Department of Defense or a commanding officer to inquire if a member of the Armed Forces plans to acquire, or already possesses or owns, a privately-owned firearm, ammunition, or other weapon, if such mental health professional or such commanding officer has reasonable grounds to believe such member is at high risk for suicide or causing harm to others.''.

SEC. 1072. EXPANSION OF AUTHORITY OF THE SECRETARY OF THE ARMY TO LOAN OR DONATE EXCESS SMALL ARMS FOR FUNERAL AND OTHER CEREMONIAL PURPOSES.

Section 4683(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) In order to meet the needs of an eligible organization with respect to performing funeral and other ceremonies, if the Secretary determines appropriate, the Secretary may—

''(i) loan or donate excess small arms to an eligible organization;

''(ii) authorize an eligible organization to retain small arms other than M–1 rifles; or

''(iii) if excess small arms stock is insufficient to meet organizational requirements, prescribe policies and procedures to establish a rotational loan program based on the needs of eligible organizations.

''(B) Nothing in this paragraph shall be construed to supersede any Federal law or regulation governing the use or ownership of firearms.

''(C) The Secretary may not delegate the authority under this paragraph.''.

SEC. 1073. 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 production beyond the greater of low-rate initial production or 1000 units 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. 1074. INTERAGENCY COLLABORATION ON UNMANNED AIRCRAFT SYSTEMS.

(a) FINDINGS ON JOINT DEPARTMENT OF DEFENSE-FEDERAL AVIATION ADMINISTRATION EXECUTIVE COMMITTEE ON CONFLICT AND DISPUTE RESOLUTION.—Section 1036(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4596) is amended by adding at the end the following new paragraph:

''(9) Collaboration of scientific and technical personnel and sharing resources from the Department of Defense, Federal Aviation Administration, and National Aeronautics and Space Administration can advance an enduring relationship of research capability to advance the access of unmanned aircraft systems of the Department of Defense to the National Airspace System.''.

(b) INTERAGENCY COLLABORATION.—

(1) IN GENERAL.—The Secretary of Defense shall collaborate with the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration to conduct research and seek solutions to challenges associated with the safe integration of unmanned aircraft systems into the National Airspace System in accordance with subtitle B of title III of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 126 Stat. 72).

(2) ACTIVITIES IN SUPPORT OF PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT SYSTEMS.—Collaboration under paragraph (1) may include research and development of scientific and technical issues, equipment, and technology in support of the plan to safely accelerate the integration of unmanned aircraft systems as required by subtitle B of title III of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 126 Stat. 72).

(3) NONDUPLICATIVE EFFORTS.—If the Secretary of Defense determines it is in the interest of the Department of Defense, the Secretary may use existing aerospace-related laboratories, personnel, equipment research radars, and ground facilities of the Department of Defense to avoid the duplication of efforts in carrying out collaboration under paragraph (1).

(4) REPORTS.—

(A) REQUIREMENT.—The Secretary of Defense, on behalf of the UAS Executive Committee, shall annually submit to the congressional defense committees, the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of collaborative research activity, including—

(i) the progress on accomplishing the goals of the unmanned aircraft systems research, development, and demonstration roadmap of the Next Generation Air Transportation System Joint Planning and Development Office of the Federal Aviation Administration; and

(ii) estimates of long-term funding needs.

(B) TERMINATION.—The requirement to submit a report under subparagraph (A) shall terminate on the date that is five years after the date of the enactment of this Act.

(c) UAS EXECUTIVE COMMITTEE DEFINED.—In this section, the term ''UAS Executive Committee'' means the Department of Defense–Federal Aviation Administration executive committee described in section 1036(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4596) established by the Secretary of Defense and the Administrator of the Federal Aviation Administration.

SEC. 1075. AUTHORITY TO TRANSFER SURPLUS MINE-RESISTANT AMBUSH-PROTECTED VEHICLES AND SPARE PARTS.

(a) AUTHORITY.—The Secretary of Defense is authorized to transfer surplus Mine-Resistant Ambush-Protected vehicles, including spare parts for such vehicles, to non-profit United States humanitarian demining organizations for purposes of demining activities and training of such organizations.

(b) TERMS AND CONDITIONS.—Any transfer of vehicles or spare parts under subsection (a) shall be subject to the following terms and conditions:

(1) The transfer shall be made on a loan basis.

(2) The costs of operation and maintenance of the vehicles shall be borne by the recipient organization.

(3) Any other terms and conditions as the Secretary of Defense determines to be appropriate.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees in writing not less than 60 days before making any transfer of vehicles or spare parts under

subsection (a). Such notification shall include the name of the organization, the number and model of the vehicle to be transferred, a listing of any spare parts to be transferred, and any other information the Secretary considers appropriate.

SEC. 1076. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF AIRCRAFT.

(a) IN GENERAL.—Except as provided by section 135, none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Army or the Air Force may be used during fiscal year 2013 to divest, retire, or transfer, or prepare to divest, retire, or transfer, any—

(1) C–23 aircraft of the Army assigned to the Army as of May 31, 2012; or

(2) aircraft of the Air Force assigned to the Air Force as of May 31, 2012.

(b) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if—

(1) the Secretary submits to the congressional defense committees written certification that such a waiver is necessary to meet an emergency national security requirement; and

(2) a period of 15 days has elapsed following the date on which such certification is submitted.

(c) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report by the Chief of the National Guard Bureau, the Chief of Staff of the Air Force, and the Chief of Staff of the Army and approved by the Secretary of Defense that specifies, with respect to all aircraft proposed to be retired during fiscal years 2013 through 2017—

(A) the economic analysis used to make each realignment decision with respect to such aircraft of the National Guard and Air Force Reserve;

(B) alternative options considered for each such realignment decision, including an analysis of such options;

(C) the effect of each such realignment decision on—

(i) the current personnel at the location; and

(ii) the missions and capabilities of the Army; and

(D) the plans for each location that is being realigned, including the analysis used for such plans.

(2) GAO ANALYSIS.—The Comptroller General of the United States shall carry out the following:

(A) An economic analysis of the realignment decisions made by the Secretary of Defense with respect to the aircraft of the National Guard and Air Force Reserve described in paragraph (1)(A).

(B) An analysis of the alternative options considered for each such realignment decision.

(C) An analysis of the effect of each such realignment decision on—

(i) the current personnel at the location; and

(ii) the missions and capabilities of the Army; and

(D) An analysis of the plans described in paragraph (1)(D).

(3) COOPERATION.—The Secretary of Defense shall provide the Comptroller General with relevant data and cooperation to carry out the analyses under paragraph (2).

(4) SUBMITTAL.—Not later than 90 days after the date on which the Secretary submits the report under paragraph (1), the Comptroller General shall submit to the congressional defense committees a report containing the analyses conducted under paragraph (2).

SEC. 1077. PROHIBITION ON DEPARTMENT OF DEFENSE USE OF NONDISCLOSURE AGREEMENTS TO PREVENT MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT FROM COMMUNICATING WITH MEMBERS OF CONGRESS.

(a) INCLUSION OF CIVILIAN EMPLOYEES IN CURRENT PROHIBITION ON RESTRICTING COMMUNICATION.—Paragraph (1) of subsection (a) of section 1034 of title 10, United States Code, is amended by inserting ''or civilian employee of the Department of Defense'' after ''member of the armed forces''.

(b) PROHIBITION ON USING NONDISCLOSURE AGREEMENTS TO RESTRICT COMMUNICATION.—Such subsection is further amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2)(A) The prohibition imposed by paragraph (1) precludes the use of a nondisclosure agreement with a member of the armed forces or a civilian employee of the Department of Defense to restrict the member or employee in communicating with a Member of Congress or an Inspector General.

''(B) Subparagraph (A) does not prevent the use of nondisclosure agreements to prevent the disclosure of—

''(i) deliberations regarding the closure or realignment of a military installation under a base closure law;

''(ii) commercial proprietary information; and

''(iii) classified information the level of which exceeds the clearance held by the requestor.''.

Subtitle H—Other Matters

SEC. 1081. BIPARTISAN INDEPENDENT STRATEGIC REVIEW PANEL.

(a) BIPARTISAN INDEPENDENT STRATEGIC REVIEW PANEL.—

(1) ESTABLISHMENT.—Chapter 2 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 119b. Bipartisan independent strategic review panel

''(a) ESTABLISHMENT.—There is established a bipartisan independent strategic review panel (in this section referred to as the 'Panel') to conduct a regular review of the national defense strategic environment of the United States and to conduct an independent assessment of the quadrennial defense review required under section 118.

''(b) MEMBERSHIP.—

''(1) APPOINTMENT.—The Panel shall be composed of 12 members from civilian life with a recognized expertise in national security matters who shall be appointed as follows:

''(A) Four members shall be appointed by the Secretary of Defense, of whom not more than three members shall be of the same political party.

''(B) Two members shall be appointed by the chair of the Committee on Armed Services of the House of Representatives.

''(C) Two members shall be appointed by the chair of the Committee on Armed Services of the Senate.

''(D) Two members shall be appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives.

''(E) Two members shall be appointed by the ranking minority member of the Committee on Armed Services of the Senate.

''(2) INITIAL MEMBERS: APPOINTMENT DATE AND TERM OF SERVICE.—

''(A) APPOINTMENT DATE.—The initial members of the Panel shall be appointed under paragraph (1) not later than January 30, 2013.

''(B) TERMS.—

''(i) The Secretary of Defense shall designate two initial members of the Panel appointed under paragraph (1)(A) to serve terms that expire on December 31, 2013, and two such initial members to serve terms that expire on December 31, 2014.

''(ii) The chair of the Committee on Armed Services of the House of Representatives shall designate one initial member of the Panel appointed under paragraph (1)(B) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

''(iii) The chair of the Committee on Armed Services of the Senate shall designate one initial member of the Panel appointed under paragraph (1)(C) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

''(iv) The ranking minority member of the Committee on Armed Services of the House of Representatives shall designate one initial member of the Panel appointed under paragraph (1)(D) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

''(v) The ranking minority member of the Committee on Armed Services of the Senate shall designate one initial member of the Panel appointed under paragraph (1)(E) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

''(3) CHAIRS.—The Secretary of Defense shall designate two members appointed pursuant to paragraph (1)(A) that are not of the same political party to serve as the Chairs of the Panel.

''(4) VACANCIES.—

''(A) A vacancy in the Panel shall be filled in the same manner as the original appointment and not later than 30 days after the date on which the vacancy begins.

''(B) A member of the Panel appointed to fill a vacancy shall be appointed for a term that expires—

''(i) in the case of an appointment to fill a vacancy resulting from a person not serving the entire term for which such person was appointed, at the end of the remainder of such term; and

''(ii) in the case of an appointment to fill a vacancy resulting from the expiration of the term of a member of the panel, two years after the date on which the term of such member expired.

''(5) REAPPOINTMENT.—Members of the Panel may be reappointed to the Panel for additional terms of service.

''(6) PAY.—The members of the Panel shall serve without pay.

''(7) TRAVEL EXPENSES.—Each member of the Panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

''(c) DUTIES.—

''(1) REVIEW OF NATIONAL DEFENSE STRATEGIC ENVIRONMENT.—The Panel shall every four years, during a year following a year evenly divisible by four, review the national defense strategic environment of the United States. Such review shall include a review and assessment of—

''(A) the national defense environment, including challenges and opportunities;

''(B) the national defense strategy and policy;

''(C) the national defense roles, missions, and organizations;

''(D) the risks to the national defense of the United States and how such risks affect challenges and opportunities to national defense; and

''(2) ADDITIONAL REVIEWS.—The Panel may conduct additional reviews under paragraph (1) as requested by Congress or the Secretary of Defense, or when the Panel determines a significant change in the national defense environment has occurred that would warrant new recommendations from the Panel.

''(3) ASSESSMENT OF QUADRENNIAL DEFENSE REVIEW.—The Panel shall conduct an assessment of each quadrennial defense review required to be conducted under section 118. Each assessment shall include—

''(A) a review of the Secretary of Defense's terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on such quadrennial defense review;

''(B) an assessment of the assumptions, strategy, findings, and risks in the report of the Secretary of Defense on such quadrennial defense review required under section 118(d), with particular attention paid to the risks described in such a report;

''(C) an independent assessment of a variety of possible force structures for the armed forces, including the force structure identified in the report required under section 118(d); and

''(D) a review of the resource requirements identified in such quadrennial defense review pursuant to section 118(b)(3) and, to the extent practicable, a general comparison of such resource requirements with the resource requirements to support the forces contemplated under the force structures assessed under subparagraph (C).

''(d) ADMINISTRATIVE PROVISIONS.—

''(1) STAFF.—

''(A) IN GENERAL.—The Chairs of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and not more than 11 additional personnel, as may be necessary to enable the Panel to perform the duties of the Panel.

''(B) COMPENSATION.—The Chairs of the Panel may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

''(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairs of the Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title.

''(4) PROVISION OF INFORMATION.—The Panel may request directly from the Department of Defense and any of its components such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall cooperate with the Panel to ensure that information requested by the Panel under this paragraph is promptly provided to the maximum extent practical.

''(5) USE OF CERTAIN DEPARTMENT OF DEFENSE RESOURCES.—Upon the request of the Chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally-funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

''(6) FUNDING.—Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

''(e) REPORTS.—

''(1) REVIEW OF NATIONAL DEFENSE STRATEGIC ENVIRONMENT.—Not later than June 30 of a year following a year evenly divisible by four, the Panel shall submit to the congressional defense committees, the Secretary of Defense, and the National Security Council a report containing the results of the review conducted under subsection (c)(1) and any recommendations or other matters that the Panel considers appropriate.

''(2) ASSESSMENT OF QUADRENNIAL DEFENSE REVIEW.—Not later than 90 days after the date on which a report on a quadrennial defense review is submitted to Congress under section 118(d), the Panel shall submit to the congressional defense committees and the Secretary of Defense a report containing the results of the assessment conducted under subsection (c)(3) and any recommendations or other matters that the Panel considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 10, United States Code, is amended by adding at the end the following new item:

''119b. Bipartisan independent strategic review panel.''.

(b) UPDATES FROM SECRETARY OF DEFENSE ON PROGRESS OF QUADRENNIAL DEFENSE REVIEW.—Section 118(f) of title 10, United States Code, is amended to read as follows:

''(f) UPDATES TO BIPARTISAN INDEPENDENT STRATEGIC REVIEW PANEL.—The Secretary of Defense shall ensure that periodically, but not less often than every 60 days, or at the request of the Chairs of the bipartisan independent strategic review panel established under section 119b(a), the Department of Defense briefs such panel on the progress of the conduct of a quadrennial defense review under subsection (a).''.

(c) BIPARTISAN INDEPENDENT STRATEGIC REVIEW OF THE UNITED STATES ARMY.—

(1) REVIEW REQUIRED.—Not later than 30 days after the date on which all initial members of the bipartisan independent strategic review panel are appointed under section 119b(b) of title 10, United States Code, as added by subsection (a)(1) of this section, the Panel shall begin a review of the future of the Army.

(2) ELEMENTS OF REVIEW.—The review required under paragraph (1) shall include a review and assessment of—

(A) the validity and utility of the scenarios and planning assumptions the Army used to develop the current force structure of the Army;

(B) such force structure and an evaluation of the adequacy of such force structure for meeting the goals of the national military strategy of the United States;

(C) the size and structure of elements of the Army, in particular United States Army Training and Doctrine Command, United States Army Materiel Command, and corps and higher headquarters elements;

(D) potential alternative force structures of the Army; and

(E) the resource requirements of each of the alternative force structures analyzed by the Panel.

(3) REPORT.—

(A) PANEL REPORT.—Not later than one year after the date on which the Panel begins the review required under paragraph (1), the Panel shall submit to the congressional defense committees and the Secretary of Defense a report containing the findings and recommendations of the Panel, including any recommendations concerning changes to the planned size and composition of the Army.

(B) ADDITIONAL VIEWS.—The report required under subparagraph (A) shall include any additional or dissenting views of a member of the Panel that such member considers appropriate to include in such report.

(4) DEFINITIONS.—In this section:

(A) ARMY.—The term ''Army'' includes the reserve components of the Army.

(B) BIPARTISAN INDEPENDENT STRATEGIC REVIEW PANEL.—The terms ''bipartisan independent strategic review panel'' and ''Panel'' mean the bipartisan independent strategic review panel established under section 119b(a) of title 10, United States Code, as added by subsection (a)(1) of this section.

SEC. 1082. NOTIFICATION OF DELAYED REPORTS.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 122a the following new section:

''§ 122b. Notification of delayed reports

''If the Secretary of Defense determines that a report required by law to be submitted by any official of the Department of Defense to Congress will not be submitted by the date required under law, the Secretary shall submit to the congressional defense committees a notification, by not later than such date, of the following:

''(1) An explanation of why such report will not be submitted by such date.

''(2) The date on which such report will be submitted.

''(3) The status of such report as of the date of the notification.

''(4) The office of the Department carrying out such report and the individual acting as the head of such office.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 122a the following new item:

''122b. Notification of delayed reports.''.

SEC. 1083. TECHNICAL AND CLERICAL AMENDMENTS.

(a) AMENDMENTS TO NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.—Effective as of December 31, 2011, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) is amended as follows:

(1) Section 243(d) (125 Stat. 1344) is amended by striking ''paragraph'' and inserting ''subsection''.

(2) Section 541(b) (125 Stat. 1407) is amended by striking '', as amended by subsection (a),''.

(3) Section 589(b) (125 Stat. 1438) is amended by striking ''section 717'' and inserting ''section 2564''.

(4) Section 602(a)(2) (125 Stat. 1447) is amended by striking ''repairs,'' and inserting ''repairs''.

(5) Section 631(e)(28)(A) (125 Stat. 1464) is amended by striking ''In addition'' in the matter proposed to be inserted and inserting ''Under regulations''.

(6) Section 631(f)(2) (125 Stat. 1464) is amended by striking ''table of chapter'' and inserting ''table of chapters''.

(7) Section 631(f)(3)(B) (125 Stat. 1465) is amended by striking ''chapter 9'' and inserting ''chapter 10''.

(8) Section 631(f)(4) (125 Stat. 1465) is amended by striking ''subsection (c)'' both places it appears and inserting ''subsection (d)''.

(9) Section 801 (125 Stat. 1482) is amended—

(A) in subsection (a)(1)(B), by striking ''paragraphs (6) and (7)'' and inserting ''paragraphs (5) and (6)'';

(B) in subsection (a)(2), in the matter proposed to be inserted as a new paragraph, by striking the double closing quotation marks after ''capabilities'' and inserting a single closing quotation mark; and

(C) in subsection (e)(1)(A), by striking ''***Point***'' in the matter proposed to be struck and inserting ''***Point A***''.

(10) Section 832(b)(1) (125 Stat. 1504) is amended by striking ''Defenese'' and inserting ''Defense''.

(11) Section 855 (125 Stat. 1521) is amended by striking ''Section 139e(b)(12)'' and inserting ''Section 139c(b)(12)''.

(12) Section 864(a)(2) (125 Stat. 1522) is amended by striking ''for Acquisition Workforce Programs'' in the matter proposed to be struck.

(13) Section 864(d)(2) (125 Stat. 1525) is amended to read as follows:

''(2) in paragraph (6), by striking 'ensure that amounts collected' and all that follows through the end of the paragraph (as amended by section 526 of division C of Public Law 112-74 (125 Stat. 914)) 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.'.''.

(14) Section 866(a) (125 Stat. 1526) is amended by striking ''September 30'' in the matter proposed to be struck and inserting ''December 31''.

(15) Section 867 (125 Stat. 1526) is amended—

(A) in paragraph (1), by striking ''2010'' in the matter proposed to be struck and inserting ''2011''; and

(B) in paragraph (2), by striking ''2013'' in the matter proposed to be struck and inserting ''2014''.

(16) Section 1045(c)(1) (125 Stat. 1577) is amended by striking ''described in subsection (b)'' and inserting ''described in paragraph (2)''.

(17) Section 1067 (125 Stat. 1589) is amended—

(A) by striking subsection (a); and

(B) by striking the subsection designation and the subsection heading of subsection (b).

(18) Section 2702 (125 Stat. 1681) is amended—

(A) in the section heading, by striking ''**AUTHORIZED**'' and inserting ''**AUTHORIZATION OF APPROPRIATIONS FOR**''; and

(B) by striking ''Using amounts'' and all that follows through ''may carry out'' and inserting ''Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for''.

(19) Section 2815(c) (125 Stat. 1689) is amended by inserting ''subchapter III of'' before ''chapter 169''.

(b) AMENDMENTS TO IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—Effective as of January 7, 2011, and as if included therein as enacted, the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) is amended as follows:

(1) Section 533(b) (124 Stat. 4216) is amended by inserting ''Section'' before ''1559(a)''.

(2) Section 863(d)(9) (124 Stat. 4293; 10 U.S.C. 2330 note) is amended by striking ''this title'' and inserting ''title 10, United States Code''.

(3) Section 896(a) (124 Stat. 4314) is amended by striking ''Chapter 7'' and inserting ''Chapter 4''.

(c) AMENDMENTS TO REFLECT REDESIGNATION OF CERTAIN POSITIONS IN OFFICE OF SECRETARY OF DEFENSE.—

(1) ASSISTANT SECRETARY OF DEFENSE FOR NUCLEAR, CHEMICAL, AND BIOLOGICAL DEFENSE PROGRAMS.— Section 1605(a)(5) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 22 U.S.C. 2751 note) is amended by striking ''The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs'' each place it appears and inserting ''The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs''.

(2) ASSISTANT SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.—

(A) The following provisions are amended by striking ''Director of Defense Research and Engineering'' and inserting ''Assistant Secretary of Defense for Research and Engineering'':

(i) Sections 2362(a)(1) and 2521(e)(5) of title 10, United States Code.

(ii) Section 241(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 2521 note).

(iii) Section 212(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 2358 note).

(iv) Section 246(d)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2358 note).

(v) Section 257(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2358 note).

(vi) Section 1101(b)(1)(D) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(vii) Section 802(g)(1)(B)(ii) of the Higher Education Opportunity Act (20 U.S.C. 9631(g)(1)(B)(ii)).

(B) Section 2365 of title 10, United States Code, is amended—

(i) in subsection (a), by inserting ''of Defense for Research and Engineering'' after ''Assistant Secretary''; and

(ii) in subsection (d)(3)(A), by striking ''Director'' and inserting ''Assistant Secretary''.

(C) Section 256 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 1071 note) is amended in subsections (b)(4) and (d) by striking ''Director, Defense'' and inserting ''Assistant Secretary of Defense for''.

(D) Section 1504 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note) is amended—

(i) in subsection (a), by striking ''Director of Defense'' and inserting ''Assistant Secretary of Defense for''; and

(ii) in subsection (b)(9), by striking ''the Director of the'' and all that follows through ''Engineering'' and inserting ''the Director and the Assistant Secretary''.

(E) Section 802 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2358 note) is amended—

(i) in subsection (a), by striking ''Director of Defense'' and inserting ''Assistant Secretary of Defense for'';

(ii) in subsections (b), (d), and (e), by striking ''Director'' and inserting ''Assistant Secretary''; and

(iii) in subsection (f), by striking ''Not later than'' and all that follows through ''the Director'' and inserting ''The Assistant Secretary''.

(F) Section 214 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2521 note) is amended by striking ''unless the'' and all that follows through ''ensures'' and inserting ''unless the Assistant Secretary of Defense for Research and Engineering ensures''.

(d) CROSS-REFERENCE AMENDMENTS RELATING TO ENACTMENT OF TITLE 41.—Title 10, United States Code, is amended as follows:

(1) Section 2302 is amended—

(A) in paragraph (7), by striking ''section 4 of such Act'' and inserting ''such section''; and

(B) in paragraph (9)(A)—

(i) by striking ''section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422)'' and inserting ''chapter 15 of title 41''; and

(ii) by striking ''such section'' and inserting ''such chapter''.

(2) Section 2306a(b)(3)(B) is amended by striking ''section 4(12)(C)(i) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(C)(i))'' and inserting ''section 103(3)(A) of title 41''.

(3) Section 2321(f)(2) is amended by striking ''section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))'' and inserting ''section 104 of title 41''.

(4) Section 2359a(h) is amended by striking ''section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))'' and inserting ''section 1702(c) of title 41''.

(5) Section 2359b(k)(4) is amended—

(A) in subparagraph (A), by striking ''section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)'' and inserting ''section 110 of title 41''; and

(B) in subparagraph (B), by adding a period at the end.

(6) Section 2379 is amended—

(A) in subsections (a)(1)(A), (b)(2)(A), and (c)(1)(B)(i), by striking ''section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))'' and inserting ''section 103 of title 41''; and

(B) in subsections (b) and (c)(1), by striking ''section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))'' and inserting ''section 104 of title 41''.

(7) Section 2382(c) is amended—

(A) in paragraph (2)(B), by striking ''sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k)'' and inserting ''sections 4101, 4103, 4105, and 4106 of title 41''; and

(B) in paragraph (3)(A), by striking ''section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))'' and inserting ''section 1702(c) of title 41''.

(8) Section 2410m(b)(1) is amended—

(A) in subparagraph (A)(i), by striking ''section 7 of such Act'' and inserting ''section 7104(a) of such title''; and

(B) in subparagraph (B)(ii), by striking ''section 7 of the Contract Disputes Act of 1978'' and inserting ''section 7104(a) of title 41''.

(9) Section 2533b is amended—

(A) in subsection (h)—

(i) in paragraph (1), by striking ''sections 34 and 35 of the Office of Federal Procurement Policy Act (41 U.S.C. 430 and 431)'' and inserting ''sections 1906 and 1907 of title 41''; and

(ii) in paragraph (2), by striking ''section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))'' and inserting ''section 104 of title 41''; and

(B) in subsection (m)—

(i) in paragraph (2), by striking ''section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)'' and inserting ''section 105 of title 41'';

(ii) in paragraph (3), by striking ''section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)'' and inserting ''section 131 of title 41''; and

(iii) in paragraph (5), by striking ''section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))'' and inserting ''section 104 of title 41''.

(e) OTHER CROSS-REFERENCE AMENDMENTS IN TITLE 10.—Title 10, United States Code, is amended as follows:

(1) Section 1722b(c) is amended—

(A) in paragraph (3), by striking ''subsections (b)(2)(A) and (b)(2)(B)'' and inserting ''subsections (b)(1)(A) and (b)(1)(B)''; and

(B) in paragraph (4), by striking ''1734(d), or 1736(c)'' and inserting ''or 1734(d)''.

(2) Section 2382(b)(1) is amended by inserting ''of the Small Business Act (15 U.S.C. 657q(c)(4))'' after ''section 44(c)(4)'';

(3) Section 2548(e)(2) is amended by striking ''section 103(f) of the Weapon Systems Acquisition Reform Act of 2009 (10 U.S.C. 2430 note),'' and inserting ''section 2438(f) of this title''.

(4) Section 2925 is amended—

(A) in subsection (a)(1), by striking ''section 533'' and inserting ''section 553''; and

(B) in subsection (b)(1), by striking ''section 139b'' and inserting ''section 138c''.

(f) DATE OF ENACTMENT REFERENCES.—Title 10, United States Code, is amended as follows:

(1) Section 1564(a)(2)(B) is amended by striking ''the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011'' in clauses (ii) and (iii) and inserting ''January 7, 2011''.

(2) Section 2359b(k)(5) is amended by striking ''the date that is five years after the date of the enactment of this Act'' and inserting ''January 7, 2016''.

(3) Section 2649(c) is amended by striking ''During the 5-year period beginning on the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011'' and inserting ''Until January 6, 2016''.

(4) Section 2790(g)(1) is amended by striking ''on or after the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011'' and inserting ''after January 6, 2011,''.

(5) Sections 3911(b)(2), 6323(a)(2)(B), and 8911(b)(2) are amended by striking ''the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011'' and inserting ''January 7, 2011,''.

(6) Section 10217(d)(3) is amended by striking ''after the end of the 2-year period beginning on the date of the enactment of this subsection'' and inserting ''after January 6, 2013''.

(g) OTHER MISCELLANEOUS AMENDMENTS TO TITLE 10.—Title 10, United States Code, is amended as follows:

(1) Section 113(c)(2) is amended by striking ''on'' after ''Board on''.

(2) The table of sections at the beginning of chapter 4 is amended by striking the item relating to section 133b.

(3) Paragraph (3) of section 138(c), as added by section 314(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1357), is transferred to appear at the end of section 138c(c).

(4) Section 139a(d)(4) is amended by adding a period at the end.

(5) Section 139b(a)(6) is amended by striking ''propriety'' and inserting ''proprietary''.

(6) The item relating to section 225 at the end of the table of sections at the beginning of chapter 9 is transferred to appear after the item relating to section 224.

(7) Section 843(b)(2)(B)(v) (article 43 of the Uniform Code of Military Justice) is amended by striking ''Kidnaping,,'' and inserting ''Kidnaping,''

(8) Section 920(g)(7) (article 120 of the Uniform Code of Military Justice) is amended by striking the second period at the end.

(9) Section 1086(b)(1) is amended by striking ''clause (2)'' and inserting ''paragraph (2)''.

(10) Section 1142(b)(10) is amended by striking ''training,,'' and inserting ''training,''.

(11) Section 1401(a) is amended by striking ''columns 1, 2, 3, and 4,'' in the matter preceding the table and inserting ''columns 1, 2, and 3,''.

(12) Section 1781(a) is amended—

(A) in the first sentence, by striking ''Director'' and inserting ''Office'';

(B) in the first sentence, by striking ''hereinafter''; and

(C) in the second sentence, by striking ''office'' both places it appears and inserting ''Office''.

(13) Section 1790 is amended—

(A) by striking the section heading and inserting the following:

''§ 1790. Military personnel citizenship processing'';

(B) by striking ''AUTHORIZATION OF PAYMENTS.—'';

(C) by striking ''title 10, United States Code'' and inserting ''this title'';

(D) by striking ''Secs.''; and

(E) by striking ''sections 286(m) and (n) of such Act (8 U.S.C. Sec. 1356(m))'' and inserting ''subsections m and (n) of section 286 of such Act (8 U.S.C. 1356).''.

(14) Section 2006(b)(2) is amended by redesignating the second subparagraph (E) (as added by section 109(b)(2)(B) of Public Law 111–377 (124 Stat. 4120), effective August 1, 2011) as subparagraph (F).

(15) Section 2350m(e) is amended by striking ''Not later than October 31, 2009, and annually thereafter'' and inserting ''Not later than October 31 each year''.

(16) Section 2401 is amended by striking ''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'' in subsections (b)(1)(B) and (h)(1) and inserting ''the congressional defense committees''.

(17) Section 2438(a)(3) is amended by inserting ''the senior'' before ''official's''.

(18) Section 2548 is amended—

(A) in subsection (a)—

(i) by striking ''Not later than'' and all that follows through ''the Secretary'' and inserting ''The Secretary''; and

(ii) by adding a period at the end of paragraph (3);

(B) in subsection (d), by striking ''Beginning with fiscal year 2012, the'' and inserting ''The''; and

(C) in subsection (e)(1), by striking '', United States Code,''.

(19) Section 2561(f)(2) is amended by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(20) Section 2687a is amended—

(A) in subsection (a), by striking ''Foreign relations'' and inserting ''Foreign Relations''; and

(B) in subsection (b)(1)—

(i) by striking the comma after ''including''; and

(ii) by striking ''The Treaty'' and inserting ''the Treaty''.

(21) Section 4342 is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking ''clause'' both places it appears and inserting ''paragraph''; and

(ii) in paragraph (5), by striking ''clauses'' and inserting ''paragraphs'';

(B) in subsection (d), by striking ''clauses'' and inserting ''paragraphs''; and

(C) in subsection (f), by striking ''clauses'' and inserting ''paragraphs''.

(22) Section 4343 is amended by striking ''clauses'' and inserting ''paragraphs''.

(23) Section 6954 is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking ''clause'' both places it appears and inserting ''paragraph''; and

(ii) in paragraph (5), by striking ''clauses'' and inserting ''paragraphs''; and

(B) in subsection (d), by striking ''clauses'' and inserting ''paragraphs''.

(24) Section 6956(b) is amended by striking ''clauses'' and inserting ''paragraphs''.

(25) Section 9342 is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking ''clause'' both places it appears and inserting ''paragraph''; and

(ii) in paragraph (5), by striking ''clauses'' and inserting ''paragraphs'';

(B) in subsection (d), by striking ''clauses'' and inserting ''paragraphs''; and

(C) in subsection (f), by striking ''clauses'' and inserting ''paragraphs''.

(26) Section 9343 is amended by striking ''clauses'' and inserting ''paragraphs''.

(27) Section 10217(c)(3) is amended by striking ''consider'' and inserting ''considered''.

(h) REPEAL OF EXPIRED PROVISIONS.—Title 10, United States Code, is amended as follows:

(1) Section 1108 is amended—

(A) by striking subsections (j) and (k); and

(B) by redesignating subsection (l) as subsection (j).

(2) Section 2325 is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

(3) Section 2349a is repealed, and the table of sections at the beginning of subchapter I of chapter 138 is amended by striking the item relating to that section.

(4) Section 2374b is repealed, and the table of sections at the beginning of chapter 139 is amended by striking the item relating to that section.

(i) AMENDMENTS TO TITLE 37.— Title 37, United States Code, is amended as follows:

(1) Section 310(c)(1) is amended by striking ''section for'' and inserting ''section for''.

(2) Section 431, as transferred to chapter 9 of such title by section 631(d)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1460), is redesignated as section 491.

(j) AMENDMENTS TO TITLE 41.— Title 41, United States Code, is amended as follows:

(1) Section 1122(a)(5) is amended by striking the period at the end and inserting a semicolon.

(2) Section 1703(i)(6) is amended by striking ''Procurememt'' and inserting ''Procurement''.

(k) AMENDMENT TO TITLE 46.— Subsection (a) of section 51301 of title 46, United States Code, is amended in the heading by striking ''IN GENERAL'' and inserting ''IN GENERAL''.

(l) DUPLICATIVE PROVISION IN ARMED FORCES RETIREMENT HOME ACT OF 1991.— Section 1511(d) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(d)) is amended by striking the first paragraph (3), leaving the second paragraph (3) added by section 561 of Public Law 112–81 (125 Stat. 1420).

(m) CROSS REFERENCES AND DATE OF ENACTMENT REFERENCES IN REINSTATEMENT OF TEMPORARY EARLY RETIREMENT AUTHORITY.— Section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1293 note), as amended by section 504(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1391), is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (A), by striking ''1995 ('' and inserting ''1995 (Public Law 103–337;''; and

(B) in subparagraph (B), by striking ''1995'' and inserting ''1996'';

(2) in subsection (h), by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012'' and inserting ''December 31, 2011,''; and

(3) in subsection (i)(2), by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012'' and inserting ''December 31, 2011,''.

(n) COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any amendment made by other provisions of this Act.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—General Provisions

(a) IN GENERAL.—The Secretary of Defense shall provide written notice to the congressional defense committees at least 60 days before implementing any change in the policy regarding senior mentors issued on or about April 1, 2010.

(b) APPLICABILITY.—Changes implemented before the date of the enactment of this Act shall not be affected by this section.

SEC. 1101. EXPANSION OF PERSONNEL MANAGEMENT AUTHORITY UNDER EXPERIMENTAL PROGRAM WITH RESPECT TO CERTAIN SCIENTIFIC AND TECHNICAL POSITIONS.

Subparagraph (A) of section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note), as most recently amended by section 1110 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1615), is further amended by striking ''40'' and inserting ''60''.

SEC. 1102. AUTHORITY TO PAY FOR THE TRANSPORT OF FAMILY HOUSEHOLD PETS FOR FEDERAL EMPLOYEES DURING CERTAIN EVACUATION OPERATIONS.

Section 5725 of title 5, United States Code, is amended—

(1) in subsection (a), in the matter following paragraph (2), by striking ''and personal effects,'' and inserting '', personal effects, and family household pets,''; and

(2) by adding at the end the following:

''(c)(1) The expenses authorized under subsection (a) shall, with respect to the transport of family household pets, include the expenses for the shipment of and the payment of any quarantine costs for such pets.

''(2) Any payment or reimbursement under this section in connection with the transport of family household pets shall be subject to terms and conditions which—

''(A) the head of the agency shall by regulation prescribe; and

''(B) shall, to the extent practicable, be the same as would apply under regulations prescribed under section 476(b)(1)(H)(iii) of title 37 in connection with the transport of family household pets of members of the uniformed services, including regulations relating to the types, size, and number of pets for which such payment or reimbursement may be provided.''.

SEC. 1103. EXTENSION OF AUTHORITY TO FILL SHORTAGE CATEGORY POSITIONS FOR CERTAIN FEDERAL ACQUISITION POSITIONS FOR CIVILIAN AGENCIES.

Section 1703(j) of title 41, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''sections 3304, 5333, and 5753'' and inserting ''section 3304''; and

(B) by striking ''use the authorities in those sections to recruit and''; and

(2) in paragraph (2), by striking ''September 30, 2012'' and inserting ''September 30, 2017''.

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. POLICY ON SENIOR MENTORS.

(a) IN GENERAL.—The Secretary of Defense shall provide written notice to the congressional defense committees at least 60 days before implementing any change in the policy regarding senior mentors issued on or about April 1, 2010.

(b) APPLICABILITY.—Changes implemented before the date of the enactment of this Act shall not be affected by this section.

Subtitle B—Interagency Personnel Rotations

SEC. 1111. INTERAGENCY PERSONNEL ROTATIONS.

(a) SHORT TITLE.—This subtitle may be cited as the ''Interagency Personnel Rotation Act of 2012''.

(b) DEFINITIONS.—In this subtitle:

(1) AGENCY.—The term ''agency'' has the meaning given the term ''Executive agency'' under section 105 of title 5, United States Code.

(2) COMMITTEE.—The term ''Committee'' means the Committee on National Security Personnel established under subsection (c)(1).

(3) COVERED AGENCY.—The term ''covered agency'' means an agency that is part of an ICI.

(4) ICI.—The term ''ICI'' means a National Security Interagency Community of Interest identified by the Committee under subsection (d)(1).

(5) ICI POSITION.—The term ''ICI position''—

(A) means—

(i) a position that—

(I) is identified by the head of a covered agency as a position within the covered agency that has significant responsibility for the subject area of the ICI in which the position is located and for activities that involve more than 1 agency;

(II) is in the civil service (as defined in section 2101(1) of title 5, United States Code) in the executive branch of the Government (including a position in the Foreign Service) at or above GS–11 of the General Schedule or at a level of responsibility comparable to a position at or above GS–11 of the General Schedule; and

(III) is within an ICI; or

(ii) a position in an interagency body identified as an ICI position under subsection (d)(3)(B)(i); and

(B) shall not include—

(i) any position described under paragraph (10)(A) or (C); or

(ii) any position filled by an employee described under paragraph (10)(B).

(6) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(7) INTERAGENCY BODY.—The term ''interagency body'' means an entity or component identified under subsection (d)(3)(A).

(8) INTERAGENCY ROTATIONAL SERVICE.—The term ''interagency rotational service'' means service by an employee in—

(A) an ICI position that is—

(i) in—

(I) a covered agency other than the covered agency employing the employee; or

(II) an interagency body, without regard to whether the employee is employed by the agency in which the interagency body is located; and

(ii) the same ICI as the position in which the employee serves or has served before serving in that ICI position; or

(B) a position in an interagency body identified under subsection (d)(3)(B)(ii).

(9) NATIONAL SECURITY INTERAGENCY COMMUNITY OF INTEREST.—The term ''National Security Interagency Community of Interest'' means the positions in the executive branch of the Government that—

(A) as a group are positions within multiple agencies of the executive branch of the Government; and

(B) have significant responsibility for the same substantive, functional, or regional subject area related to national security or homeland security that requires integration of the positions and activities in that area across multiple agencies to ensure that the executive branch of the Government operates as a single, cohesive enterprise to maximize mission success and minimize cost.

(10) POLITICAL APPOINTEE.—The term ''political appointee'' means an individual who—

(A) is employed in a position described under sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

(B) is a noncareer appointee in the Senior Executive Service, as defined under section 3132(a)(7) of title 5, United States Code; or

(C) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(11) SENIOR POSITION.—The term ''senior position'' means—

(A) a Senior Executive Service position, as defined in section 3132(a)(2) of title 5, United States Code;

(B) a position in the Senior Foreign Service established under the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.);

(C) a position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service established under section 3151 of title 5, United States Code;

(D) a position filled by a limited term appointee or limited emergency appointee in the Senior Executive Service, as defined under paragraphs (5) and (6), respectively, of section 3132(a) of title 5, United States Code; and

(E) any other equivalent position identified by the Committee.

(c) COMMITTEE ON NATIONAL SECURITY PERSONNEL.—

(1) ESTABLISHMENT.—There is established the Committee on National Security Personnel within the Executive Office of the President.

(2) MEMBERSHIP.—The members of the Committee shall be the Director of the Office of Management and Budget, the Director of the Office of Personnel Management, and the Assistant to the President for National Security Affairs.

(3) CHAIRPERSON.—The Director of the Office of Management and Budget shall be the Chairperson of the Committee.

(4) FUNCTIONS.—

(A) IN GENERAL.—The Committee shall perform the functions as provided under this subtitle to implement this subtitle and shall validate the actions taken by the heads of covered agencies to implement the directives issued and meet the standards established under subparagraph (B).

(B) DIRECTIVES AND STANDARDS.—

(i) IN GENERAL.—In consultation with the Director of the Office of Personnel Management and the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget shall issue directives and establish standards relating to the implementation of this subtitle.

(ii) USE BY COVERED AGENCIES.—The head of each covered agency shall carry out the responsibilities under this subtitle in accordance with the directives issued and standards established by the Director of the Office of Management and Budget.

(5) SUPPORT AND IMPLEMENTATION.—

(A) BOARD.—There is established to assist the Committee a board, the members of which shall be appointed—

(i) in accordance with subparagraph (B); and

(ii) from among individuals holding an office or position in level III of the Executive Schedule.

(B) APPOINTMENTS.—Members of the board shall be appointed as follows:

(i) One by the Secretary of State.

(ii) One by the Secretary of Defense.

(iii) One by the Secretary of Homeland Security.

(iv) One by the Attorney General.

(v) One by the Secretary of the Treasury.

(vi) One by the Secretary of Energy.

(vii) One by the Secretary of Health and Human Services.

(viii) One by the Secretary of Commerce.

(ix) One by the head of any other agency (or, if more than 1, by each of the respective heads of any other agencies) determined appropriate by the Committee.

As used in clause (ix), the term ''agency'' does not include any element of the intelligence community.

(C) CHIEF HUMAN CAPITAL OFFICERS COUNCIL.—The Chief Human Capital Officers Council shall provide advice to the Committee regarding technical human capital issues.

(D) COVERED AGENCY OFFICIALS.—

(i) IN GENERAL.—The head of each covered agency shall designate an officer and office within that covered agency with responsibility for the implementation of this subtitle.

(ii) EXISTING OFFICES.—If an officer or office of a covered agency is designated as the officer or office within the covered agency with responsibility for the implementation of Executive Order 13434 for the covered agency on the date of enactment of this Act, the head of the covered agency shall designate the officer or office as the officer or office within the covered agency with responsibility for the implementation of this subtitle.

(E) STAFF.—

(i) IN GENERAL.—Not more than 3 full-time employees (or the equivalent) may be hired to assist the Committee in the implementation of this subtitle. Each employee so hired shall be selected from among individuals serving in the Office of Management and Budget, the Office of Personnel Management, or any other agency.

(ii) FUNDING.—

(I) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2013 through 2017 to carry out clause (i) an amount equal to the amount expended for salaries and expenses of the National Security Professional Development Integration Office during fiscal year 2012.

(II) OFFSET.—

(aa) IN GENERAL.—Except as provided in subparagraph (D)(ii), effective on the date of enactment of this Act, the National Security Professional Development Integration Office of the Department of Defense is terminated and, on and after the date of enactment of this Act, the Secretary of Defense may not establish a comparable office to implement Executive Order 13434 or to design, administer, or report on the creation of a national security professional development system, cadre of national security professionals, or any personnel rotations, education, or training for individuals involved in interagency activities or who are national security professionals who are not employed by the Department of Defense. Nothing in this item shall be construed to prohibit the Secretary of Defense from establishing or designating an office to administer interagency rotations by, or the interagency activities of, employees of the Department of Defense.

(bb) TRANSFER OF FUNCTIONS.—Effective on the date of enactment of this Act, there are transferred to the Office of Management and Budget or the Office of Personnel Management, as determined appropriate by the Committee, the functions of the National Security Professional Development Integration Office of the Department of Defense.

(cc) FUNDS.—Effective on the date of enactment of this Act, all unobligated balances made available for the activities of the National Security Professional Development Integration Office of the Department of Defense are rescinded.

(d) NATIONAL SECURITY INTERAGENCY COMMUNITIES OF INTEREST.—

(1) IDENTIFICATION OF ICIS.—Subject to subsection (g), the Committee—

(A) shall identify ICIs on an ongoing basis for purposes of carrying out this subtitle; and

(B) may alter or discontinue an ICI identified under subparagraph (A).

(2) IDENTIFICATION OF ICI POSITIONS.—The head of each covered agency shall identify ICI positions within the covered agency.

(3) INTERAGENCY BODIES.—

(A) IDENTIFICATION.—

(i) IN GENERAL.—The Committee shall identify—

(I) entities in the executive branch of the Government that are primarily involved in interagency activities relating to national security or homeland security; and

(II) components of agencies that are primarily involved in interagency activities relating to national security or homeland security and have a mission distinct from the agency within which the component is located.

(ii) CERTAIN BODIES.—

(I) IN GENERAL.—The Committee shall identify the National Security Council as an interagency body under this subparagraph.

(II) FBI ROTATIONS.—Joint Terrorism Task Forces shall not be considered interagency bodies for purposes of service by employees of the Federal Bureau of Investigation.

(iii) DUTIES OF HEAD OF COVERED AGENCY.—The Committee shall designate the Federal officer who shall perform the duties of the head of a covered agency relating to ICI positions within an interagency body.

(B) POSITIONS IN INTERAGENCY BODIES.—The officials designated under subparagraph (A)(iii) shall identify—

(i) positions within their respective interagency bodies that are ICI positions; and

(ii) positions within their respective interagency bodies—

(I) that are not a position described under subsection (b)(10)(A) or (C) or a position filled by an employee described under subsection (b)(10)(B); and

(II) for which service in the position shall constitute interagency rotational service.

(e) INTERAGENCY COMMUNITY OF INTEREST ROTATIONAL SERVICE.—

(1) EXCLUSION OF SENIOR POSITIONS.—For purposes of this subsection, the term ''ICI position'' does not include a senior position.

(2) ROTATIONS.—

(A) IN GENERAL.—The Committee shall provide for employees serving in an ICI position to be assigned on a rotational basis to another ICI position that is—

(i) within another covered agency or within an interagency body; and

(ii) within the same ICI.

(B) EXCEPTION.—An employee may be assigned to an ICI position in another covered agency or in an interagency body that is not in the ICI applicable to an ICI position in which the employee serves or has served if—

(i) the employee has particular nongovernmental or other expertise or skills that are relevant to the assigned ICI position; and

(ii) the head of the covered agency employing the employee, the head of the covered agency to which the assignment is made, and the Committee approve the assignment.

(C) NONREIMBURSABLE BASIS.—Service by an employee in an ICI position in another covered agency or in an interagency body that is not within the agency employing the employee shall be performed without reimbursement.

(D) RETURN TO PRIOR POSITION.—Except as otherwise provided by the Committee, an employee performing service in an ICI position in another covered agency or interagency body or in a position designated under subsection (d)(3)(B)(ii) shall be entitled to return, within a reasonable period of time after the end of the period of service, to the position held by the employee, or a corresponding or higher position (or, in the case of an employee in the Foreign Service, as defined in section 102(11) of the Foreign Service Act of 1980 (22 U.S.C. 3902(11)), a position in the same or a higher personnel category), in the covered agency employing the employee.

(3) SELECTION OF ICI POSITIONS OPEN FOR ROTATIONAL SERVICE.—

(A) IN GENERAL.—The head of each covered agency shall determine which ICI positions in the covered agency shall be available for service by employees from another covered agency and may modify a determination under this subparagraph.

(B) LIST.—The Committee shall maintain a single, integrated list of ICI positions and of positions available for service by employees from another covered agency under this subsection and shall make the list available to Federal employees on an ongoing basis in order to facilitate applications for the positions and long-term career planning by employees of the executive branch of the Government, except to the extent that the Committee determines that the identity of certain positions should not be distributed in order to protect national security or homeland security.

(4) MINIMUM PERIOD OF SERVICE.—With respect to the period of service in an ICI position in another covered agency or interagency body, the Committee—

(A) shall, notwithstanding any other provision of law, ensure that the period of service is sufficient to gain an adequately detailed understanding and perspective of the covered agency or interagency body at which the employee is assigned;

(B) may provide for different periods of service, depending upon the nature of the position, including whether the position is in an area that is a combat zone for purposes of section 112 of the Internal Revenue Code of 1986; and

(C) shall require that an employee performing service in an ICI position in another covered agency or interagency body is informed of the period of service for the position before beginning such service.

(5) VOLUNTARY NATURE OF ROTATIONAL SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), service in an ICI position in another covered agency or interagency body shall be voluntary on the part of the employee.

(B) AUTHORITY TO ASSIGN INVOLUNTARILY.—If the head of a covered agency has the authority under another provision of law to assign an employee involuntarily to a position and the employee is serving in an ICI position, the head of the covered agency may assign the employee involuntarily to serve in an ICI position in another covered agency or interagency body.

(6) TRAINING AND EDUCATION OF PERSONNEL PERFORMING INTERAGENCY ROTATIONAL SERVICE.—Each employee performing interagency rotational service shall participate in the training and education, if any, that is regularly provided to new employees by the covered agency or interagency body in which the employee is serving in order to learn how the covered agency or interagency body functions.

(7) PREVENTION OF NEED FOR INCREASED PERSONNEL LEVELS.—The Committee shall ensure that employees are rotated across covered agencies and interagency bodies within an ICI in a manner that ensures that, for the original ICI positions of all employees performing service in an ICI position in another covered agency or interagency body—

(A) employees from another covered agency or interagency body who are performing service in an ICI position in another covered agency or interagency body, or other available employees, begin service in such original positions within a reasonable period, at no additional cost to the covered agency or the interagency body in which such original positions are located; or

(B) other employees do not need to serve in the positions in order to maintain the effectiveness of or to prevent any costs being accrued by the covered agency or interagency body in which such original positions are located.

(8) OPEN AND FAIR COMPETITION.—Each covered agency or interagency body that has an ICI position available for service by an employee from another covered agency shall coordinate with the Office of Personnel Management to ensure that employees of covered agencies selected to perform interagency rotational service shall be selected in a fully open and competitive manner that is consistent with the merit system principles set forth in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, unless the ICI position is otherwise exempt under another provision of law.

(9) PERSONNEL LAW MATTERS.—

(A) NATIONAL SECURITY EXCLUSION.—The identification of a position as available for service by an employee of another covered agency or as being within an ICI shall not be a basis for an order under section 7103(b) of title 5, United States Code, excluding the covered agency, or a subdivision thereof, in which the position is located from the applicability of chapter 71 of such title.

(B) ON ROTATION.—An employee performing interagency rotational service shall have all the rights that would be available to the employee if the employee were detailed or assigned under a provision of law other than this subtitle from the agency employing the employee to the agency in which the ICI position in which the employee is serving is located.

(10) CONSULTATION.—The Committee shall consult with relevant associations, unions, and other groups involved in collective bargaining or encouraging public service, organizational reform of the Government, or interagency activities (such as the Simons Center for the Study of Interagency Cooperation of the Command and General Staff College Foundation) in formulating and implementing policies under this subtitle.

(11) OFFICERS OF THE ARMED FORCES.—The policies, procedures, and practices for the management of officers of the Armed Forces may provide for the assignment of officers of the Armed Forces to ICI positions or positions designated under subsection (d)(3)(B)(ii).

(12) PERFORMANCE APPRAISALS.—The Committee shall—

(A) ensure that an employee receives performance evaluations that are based primarily on the contribution of the employee to the work of the covered agency in which the employee is performing service in an ICI position in another covered agency or interagency body and the functioning of the applicable ICI; and

(B) require that—

(i) officials at the covered agency employing the employee conduct the evaluations based on input from the supervisors of the employee during service in an ICI position in another covered agency or interagency body; and

(ii) the evaluations shall be provided the same weight in the receipt of promotions and other rewards by the employee from the covered agency employing the employee as performance evaluations receive for other employees of the covered agency.

(f) SELECTION OF SENIOR POSITIONS IN AN INTERAGENCY COMMUNITY OF INTEREST.—

(1) SELECTION OF INDIVIDUALS TO FILL SENIOR POSITIONS WITHIN AN ICI.—In selecting individuals to fill senior positions within an ICI, the head of a covered agency shall ensure that a strong preference is given to personnel who have performed interagency rotational service.

(2) ESTABLISHMENT BY HEADS OF COVERED AGENCIES OF MINIMUM THRESHOLDS.—

(A) IN GENERAL.—On October 1 of the 2nd fiscal year after the fiscal year in which the Committee identifies an ICI, and October 1 of each fiscal year thereafter, the head of each covered agency within which 1 or more positions within that ICI are located shall establish the minimum number of that agency's senior positions that are within that ICI that shall be filled by personnel who have performed interagency rotational service.

(B) REPORTING REQUIREMENTS.—

(i) MINIMUM NUMBER OF POSITIONS.—Not later than 30 days after the date on which all heads of covered agencies have established the minimum number required under subparagraph (A) for a fiscal year, the Committee shall submit to Congress a consolidated list of the minimum numbers of senior positions that shall be filled by personnel who have performed interagency rotational service.

(ii) FAILURE TO MEET MINIMUM NUMBER.—Not later than 30 days after the end of any fiscal year in which a covered agency fails to meet the minimum number of senior positions to be filled by individuals who have performed interagency rotational service established by the head of the

covered agency under subparagraph (A), the head of the covered agency shall submit to the Committee and Congress a report identifying the failure and indicating what actions the head of the covered agency has taken or plans to take in response to the failure.

(3) OTHER ROTATIONAL REQUIREMENTS.—

(A) CREDIT FOR SERVICE IN ANOTHER COMPONENT WITHIN AN AGENCY.—Service performed during the first 3 fiscal years after the fiscal year in which an ICI is identified by the Committee by an employee in a rotation to an ICI position in another component of the covered agency that employs the employee that is identified under subparagraph (B) shall constitute interagency rotational service for purposes of this section.

(B) IDENTIFICATION OF COMPONENTS.—Subject to approval by the Committee, the head of a covered agency may identify the components of the covered agency that are sufficiently independent in functionality for service in a rotation in the component to qualify as service in another component of the covered agency for purposes of subparagraph (A).

(g) IMPLEMENTATION.—

(1) ICIS AND ICI POSITIONS.—

(A) IN GENERAL.—During each of the first 4 fiscal years after the fiscal year in which this Act is enacted—

(i) there shall be 2 ICIs, which shall be an ICI for emergency management and an ICI for stabilization and reconstruction; and

(ii) not less than 20 employees and not more than 25 employees in the executive branch of the Government shall perform service in an ICI position in another covered agency or in an interagency body that is not within the agency employing the employee under this subtitle.

(B) LOCATION.—

(i) IN GENERAL.—The Committee shall designate a metropolitan area in which the ICI for emergency management will be located and a metropolitan area in which the ICI for stabilization and reconstruction will be located.

(ii) SERVICE.—During the first 4 fiscal years after the fiscal year in which this Act is enacted, any service in an ICI position in another covered agency or in an interagency body that is not within the agency employing the employee shall be performed—

(I) by an employee who is located in a metropolitan area for the ICI designated under clause (i) before beginning service in the ICI position; and

(II) at a location in a metropolitan area for the ICI designated under clause (i).

(2) PRIORITY FOR DETAILS.—During the first 4 fiscal years after the fiscal year in which this Act is enacted, a covered agency shall give priority in using amounts available to the covered agency for details to assigning employees on a rotational basis under this subtitle.

(h) STRATEGY AND PERFORMANCE EVALUATION.—

(1) ISSUING OF STRATEGY.—

(A) IN GENERAL.—Not later than October 1 of the 3rd fiscal year after the fiscal year in which this Act is enacted, and every 4 fiscal years thereafter through the 11th fiscal year after the fiscal year in which this Act is enacted, the Committee shall issue a National Security Human Capital Strategy to develop the national security and homeland security personnel necessary for accomplishing national security and homeland security objectives that require integration of personnel and activities from multiple agencies of the executive branch of the Government.

(B) CONSULTATIONS WITH CONGRESS.—In developing or making adjustments to the National Security Human Capital Strategy issued under subparagraph (A), the Committee—

(i) shall consult at least annually with Congress, including majority and minority views from all appropriate authorizing, appropriations, and oversight committees; and

(ii) as the Committee determines appropriate, shall solicit and consider the views and suggestions of entities potentially affected by or interested in the strategy.

(C) CONTENTS OF STRATEGY.—Each National Security Human Capital Strategy issued under subparagraph (A) shall—

(i) provide for the implementation of this subtitle;

(ii) identify best practices from ICIs already in operation;

(iii) identify any additional ICIs to be identified by the Committee;

(iv) include a schedule for the issuance of directives and establishment of standards relating to the requirements under this subtitle by the Committee;

(v) include a description of how the strategy incorporates views and suggestions obtained through the consultations with Congress required under subparagraph (B);

(vi) include an assessment of performance measures over a multi-year period, such as—

(I) the percentage of ICI positions available for service by employees from another covered agency for which such employees performed such service;

(II) the number of personnel participating in interagency rotational service in each covered agency and interagency body;

(III) the length of interagency rotational service under this subtitle;

(IV) reports by the heads of covered agencies submitted under subsection (f)(2)(B)(ii);

(V) the training and education of personnel who perform interagency rotational service, and the evaluation by the Committee of the training and education;

(VI) the positions (including grade level) held by employees who perform interagency rotational service during the period beginning on the date on which the interagency rotational service terminates and ending on the date of the assessment; and

(VII) to the extent possible, the evaluation of the Committee of the utility of interagency rotational service in improving interagency integration.

(2) REPORTS.—Not later than October 1 of the 2nd fiscal year after a fiscal year in which the Committee issues a National Security Human Capital Strategy under paragraph (1), the Committee shall assess the performance measures described in paragraph (1)(C)(vi).

(3) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Committee issues a National Security Human Capital Strategy under paragraph (1) or assesses performance measures under paragraph (2), the Committee shall submit the strategy or assessment to Congress.

(i) GAO STUDY OF INTERAGENCY ROTATIONAL SERVICE.—Not later than the end of the 2nd fiscal year after the fiscal year in which this Act is enacted, the Comptroller General of the United States shall submit to Congress a report regarding—

(1) the extent to which performing service in an ICI position in another covered agency or an interagency body under this subtitle enabled the employees performing the service to gain an adequately detailed understanding of and perspective on the covered agency or interagency body, including an assessment of the effect of—

(A) the period of service; and

(B) the duties performed by the employees during the service;

(2) the effectiveness of the Committee and the staff of the Committee funded under subsection (c)(5)(E)(ii) in overseeing and managing interagency rotational service under this subtitle, including an evaluation of any directives or standards issued by the Committee;

(3) the participation of covered agencies in interagency rotational service under this subtitle, including whether each covered agency that performs a mission relating to an ICI in effect—

(A) identified positions within the covered agency as ICI positions;

(B) had 1 or more employees from another covered agency perform service in an ICI position in the covered agency; or

(C) had 1 or more employees of the covered agency perform service in an ICI position in another covered agency;

(4) the positions (including grade level) held by employees after completing interagency rotational service under this subtitle, and the extent to which the employees were rewarded for the service; and

(5) the extent to which or likelihood that interagency rotational service under this subtitle has improved or is expected to improve interagency integration.

(j) PROHIBITION OF PRINTED REPORTS.—Each strategy, plan, report, or other submission required under this subtitle—

(1) shall be made available by the agency issuing the strategy, plan, report, or other submission only in electronic form; and

(2) shall not be made available by the agency in printed form.

(k) EXCLUSION.—This subtitle shall not apply to any element of the intelligence community.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. COMMANDERS' EMERGENCY RESPONSE PROGRAM IN AFGHANISTAN.

(a) AUTHORITY FOR FISCAL YEAR 2013.—Subsection (a) of section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619) is amended—

(1) in the heading, by striking ''FISCAL YEAR 2012'' and inserting ''FISCAL YEAR 2013''; and

(2) by striking ''fiscal year 2012'' and inserting ''fiscal year 2013''.

(b) QUARTERLY REPORTS.—Subsection (b)(1) of such section is amended by striking ''fiscal year 2012'' and inserting ''fiscal year 2013''.

(c) EXTENSION OF AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subsection (f) of such section is amended by striking ''in fiscal year 2012'' and inserting ''during any period during which the authority of subsection (a) is in effect''.

SEC. 1202. MODIFICATION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) AUTHORIZED ELEMENTS.—Section 1206(b)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3457), as amended by the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418), is further amended by striking ''equipment, supplies and training'' and inserting ''equipment, supplies, training, and small-scale military construction activities''.

(b) USE OF FUNDS FOR FISCAL YEAR 2013.—Subsection (c) of such section, as most recently amended by section 1204(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1621), is further amended by adding at the end the following:

''(6) USE OF FUNDS FOR FISCAL YEAR 2013.—

''(A) LIMITATION ON SMALL-SCALE MILITARY CONSTRUCTION ACTIVITIES.—Of amounts available under this subsection for the authority in subsection (a) for fiscal year 2013—

''(i) not more than $750,000 may be obligated or expended for small-scale military construction activities (as described in subsection (b)(1)) under a program authorized under subsection (a); and

''(ii) not more than $25,000,000 may be obligated or expended for small-scale military construction activities (as described in subsection (b)(1)) under all programs authorized under subsection (a).

''(B) AVAILABILITY OF FUNDS FOR PROGRAMS DURING FISCAL YEAR 2014.—

''(i) IN GENERAL.—Subject to clause (ii), not more than 20 percent of amounts available under this subsection for the authority in subsection (a) for fiscal year 2013 may be obligated

and expended to conduct or support a program authorized under subsection (a) during fiscal year 2014.

''(ii) NOTIFICATION.—Whenever the Secretary of Defense decides, with the concurrence of the Secretary of State, to conduct or support a program authorized under subsection (a) during fiscal year 2014 using amounts described in clause (i), the Secretary of Defense shall submit to the congressional committees specified in paragraph (3) of subsection (e) a notification in writing of that decision in accordance with such subsection by not later than September 30, 2013.''.

SEC. 1203. THREE-YEAR EXTENSION OF AUTHORITY FOR NON-RECIPROCAL EXCHANGES OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.

Section 1207(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2514; 10 U.S.C. 168 note) is amended by striking ''September 30, 2012'' and inserting ''September 30, 2015''.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1211. 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 most recently amended by section 1213 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1630), is further amended—

(1) by striking ''fiscal year 2012'' and inserting ''fiscal year 2013''; and

(2) by striking ''Operation Iraqi Freedom or''.

(b) LIMITATION ON AMOUNT AVAILABLE.—Subsection (d)(1) of such section, as so amended, is further amended—

(1) by striking ''fiscal year 2012'' and inserting ''fiscal year 2013'';

(2) by striking ''$1,690,000,000'' and inserting ''$1,650,000,000''; and

(3) by adding at the end the following: ''Of the aggregate amount specified in the preceding sentence, the total amount of reimbursements made under subsection (a) and support provided under subsection (b) to Pakistan during fiscal year 2013 may not exceed $650,000,000.''.

(c) ADDITIONAL LIMITATION ON REIMBURSEMENT OF THE GOVERNMENT OF PAKISTAN.—Such section, as so amended, is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) ADDITIONAL LIMITATION ON REIMBURSEMENT OF THE GOVERNMENT OF PAKISTAN.—In addition to the other requirements of this section, reimbursements authorized by subsection (a) and the support authorized by subsection (b) may be made to the Government of Pakistan for support of United States military operations for fiscal year 2013 only if the Secretary of Defense submits to the congressional defense committees the following:

''(1) A report that contains a description of—

''(A) a model for reimbursement, including how claims are proposed and adjudicated;

''(B) new conditions or caveats that the Government of Pakistan places on the use of its supply routes; and

''(C) the estimated differences in costs associated with transit through supply routes in Pakistan for fiscal year 2011 as compared to fiscal year 2013.

''(2) A certification of the Secretary of Defense that the Government of Pakistan is committed to—

''(A) supporting counterterrorism operations against Al Qaeda, its associated movements, the Haqqani Network, and other domestic and foreign terrorist organizations;

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

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

''(D) issuing visas in a timely manner for United States Government personnel supporting counterterrorism efforts and assistance programs in Pakistan.''.

SEC. 1212. AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) TYPES OF SUPPORT.—Subsection (b) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1631) is amended—

(1) by striking ''The operations'' and inserting the following:

''(1) IN GENERAL.—The operations''; and

(2) by adding at the end the following:

''(2) TRAIN AND ASSIST.—The operations and activities that may be carried out by the Office of Security Cooperation in Iraq using funds provided under subsection (a) may, with the concurrence of the Secretary of State, include training and assisting Iraqi Ministry of Defense personnel.''.

(b) LIMITATION ON AMOUNT.—Subsection (c) of such section is amended by inserting at the end before the period the following: ''and in fiscal year 2013 may not exceed $508,000,000''.

(c) SOURCE OF FUNDS.—Subsection (d) of such section is amended—

(1) by inserting ''or fiscal year 2013'' after ''fiscal year 2012''; and

(2) by striking ''that fiscal year'' and inserting ''fiscal year 2012 or 2013, as the case may be,''.

(d) REPORT.—

(1) IN GENERAL.—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 appropriate congressional committees a report on the Office of Security Cooperation in Iraq.

(2) MATTERS TO BE INCLUDED.—The report shall include the following:

(A) The plan to consolidate Office sites.

(B) The status of any pending requests for additional United States military forces for the Office.

(C) The legal status and legal protections provided to Office personnel, the operational impact of such status and protections, and the associated constraints on the operational capacity of such personnel by reason of their legal status.

(D) The operational and functional limitations and authorities of Office personnel.

(E) A description of potential direct threats to Office personnel and their capacity to provide adequate force protection to thwart those threats.

(3) FORM.—The report shall be submitted in unclassified form, but may contain a classified annex if necessary.

(4) DEFINITION.—In this section, 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.

SEC. 1213. 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), as amended by section 1216 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1632), is further amended—

(1) in subsection (a)—

(A) by striking ''$50,000,000'' and inserting ''$35,000,000''; and

(B) by striking ''in each of fiscal years 2011 and 2012'' and inserting ''for fiscal year 2013''; and

(2) in subsection (e)—

(A) by striking ''utilize funds'' and inserting ''obligate funds''; and

(B) by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

SEC. 1214. PROHIBITION ON USE OF PRIVATE SECURITY CONTRACTORS AND MEMBERS OF THE AFGHAN PUBLIC PROTECTION FORCE TO PROVIDE SECURITY FOR MEMBERS OF THE ARMED FORCES AND MILITARY INSTALLATIONS AND FACILITIES IN AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Department of Defense, as of February 1, 2012, there had been 42 insider attacks on coalition forces since 2007 by the Afghan National Army, Afghan National Police, or Afghan nationals hired by private security contractors to guard United States bases and facilities in Afghanistan.

(2) The Department of Defense data shows that the trend of insider attacks is increasing.

(3) Members of the Armed Forces of the United States continue to be garrisoned and housed in facilities and installations in Afghanistan that are guarded by private security contractors and not by United States or coalition forces.

(4) President Karzai has prohibited the use of private security contractors in Afghanistan and determined that beginning in March, 2012, the Afghan Ministry of Interior will provide Afghan Public Protection Forces on a reimbursable basis to those desiring to contract for additional security.

(5) The Afghan Ministry of Interior will have the primary responsibility for screening and vetting the Afghan nationals who will comprise the Afghan Public Protection Force.

(6) The current force levels in Afghanistan are necessary to accomplish the International Security Assistance Force mission and force protection for members of the Armed Forces garrisoned and housed in Afghanistan should not come at the expense of mission success.

(7) The President of the United States has begun to draw down United States military forces in Afghanistan and has committed to continue this drawdown through 2014.

(8) The redeployment phase of any military operation brings increasing vulnerabilities to members of the Armed Forces.

(9) It is the responsibility of the Commander in Chief to provide for the security for members of the Armed Forces deployed to Afghanistan and to mitigate internal threats to such forces to the greatest extent possible, while continuing to meet the objectives of the International Security Assistance Force mission in Afghanistan, including the training and equipping of the Afghan National Security Forces in order that they may provide for their own security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the best security and force protection for members of the Armed Forces garrisoned and housed in Afghanistan should be provided;

(2) better security and force protection for members of the Armed Forces garrisoned and housed in Afghanistan can be provided by United States military personnel than private security contractors or members of the Afghan Public Protection Force;

(3) the President should take action in light of the increased risk to members of the Armed Forces during this transitional period in Afghanistan and the increasing number of insider attacks; and

(4) the United States remains committed to mission success in Afghanistan in light of the national security interests in the region and the sacrifice and commitment of the United States Armed Forces over the last ten years.

(c) PROHIBITION.—Notwithstanding section 2465 of title 10, United States Code, funds appropriated to the Department of Defense may not be obligated or expended for the purpose of—

(1) entering into a contract for the performance of security-guard functions at a military installation or facility in Afghanistan at which members of the Armed Forces deployed to Afghanistan are garrisoned or housed;

(2) otherwise employing private security contractors to provide security for members of the Armed Forces deployed to Afghanistan; or

(3) employing the Afghan Public Protection Force to provide security for such members or to perform such security-guard functions at such a military installation or facility.

(d) REQUIREMENT.—

(1) IN GENERAL.—The President shall ensure that as many appropriately trained members of the Armed Forces of the United States as are necessary are available to—

(A) perform security-guard functions at all military installations and facilities in Afghanistan at which members of the Armed Forces deployed to Afghanistan are garrisoned or housed;

(B) provide security for members of the Armed Forces deployed to Afghanistan; and

(C) provide adequate counterintelligence support for such members.

(2) RELATIONSHIP TO OTHER REQUIREMENTS AND LIMITATIONS.—The members of the Armed Forces required to be made available under paragraph (1) shall be in addition to—

(A) the number of such members who are deployed to Afghanistan to support the requirements of the North Atlantic Treaty Organization mission in Afghanistan and the military campaign plan of the Commander of the International Security and Assistance Force; and

(B) any limitation on force levels that may be in effect.

(e) WAIVER.—The President may waive the prohibition under subsection (c) and the requirement under subsection (d) if the President submits to Congress a certification in writing that—

(1) the use of private security contractors or the Afghan Public Protection Force can provide a level of security and force protection for members of the Armed Forces deployed to Afghanistan that is at least equal to the security and force protection that can be provided by members of the Armed Forces; and

(2) the Secretary of Defense has ensured that all employees of private security contractors and members of the Afghan Public Protection Force providing security or force protection for members of the Armed Forces deployed to Afghanistan are independently screened and vetted by members of the Armed Forces of the United States.

(f) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the end of each quarter of fiscal years 2013 and 2014, the Secretary of Defense shall submit to the congressional defense committees a report on the following:

(A) Data on attempted and successful attacks by the Afghan National Security Forces, the Afghan Public Protection Force, and private security contractors on United States Armed Forces and civilian personnel of the Department of Defense.

(B) The number of members of the United States Armed Forces and civilian personnel of the Department of Defense wounded or killed due to such attacks.

(C) A description of tactical or covert methods used in such attacks and a description of motivations for such attacks.

(2) ADDITIONAL INFORMATION.—The first report submitted following the date of the enactment of this Act and the report submitted for the first quarter of fiscal year 2014 shall also include the following:

(A) Actions the Department of Defense is taking to monitor indicators and early warning signs of infiltration or co-option of the Afghan National Security Forces, the Afghan Public Protection Force, and private security contractors.

(B) The methodology and systematic approach to resolving disputes between the Afghan National Security Forces and United States Armed Forces and civilian personnel of the Department of Defense when such disputes arise.

(g) DEFINITION.—In this section, the term ''members of the Armed Forces deployed to Afghanistan'' means members of the Armed Forces deployed to Afghanistan in support of the International Security Assistance Force in Afghanistan and members of the Armed Forces of the United States deployed to Afghanistan in support of Operation Enduring Freedom.

SEC. 1215. REPORT ON UPDATES AND MODIFICATIONS TO CAMPAIGN PLAN FOR AFGHANISTAN.

(a) REPORT REQUIRED.—Not later than 180 days after the date on which any substantial update or modification is made to the campaign plan for Afghanistan (including the supporting and implementing documents for such plan), the Comptroller General of the United States shall submit to the congressional defense committees a report on the updated or modified plan, including an assessment of the updated or modified plan.

(b) EXCEPTION.—The requirement to submit a report under subsection (a) on any substantial update or modification to the campaign plan for Afghanistan shall not apply if the Comptroller General—

(1) determines that a report submitted to Congress by the Comptroller General before the date of the enactment of this Act substantially meets the requirement to submit the report under subsection (a); and

(2) notifies the congressional defense committees in writing of the determination under paragraph (1).

(c) TERMINATION.—The requirement to submit a report under subsection (a) on any substantial update or modification to the campaign plan for Afghanistan shall terminate on September 30, 2014.

(d) REPEAL.—Section 1226 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2525) is repealed.

SEC. 1216. UNITED STATES MILITARY SUPPORT IN AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) following Al Qaeda's attacks on the United States on September 11, 2001, United States and coalition forces have achieved significant progress toward security and stability in Afghanistan;

(2) as the United States completes transfer of the lead for security to the Afghan National Security Forces by the end of 2014, the United States should ensure that the gains in security are maintained;

(3) the United States mission in Afghanistan continues to be to disrupt, dismantle, and defeat al Qaeda, as well as to prevent its return to either Afghanistan or Pakistan;

(4) the specific objectives in Afghanistan are to deny safe haven to Al Qaeda and to deny the Taliban the ability to overthrow the Afghan Government;

(5) the Taliban, Haqqanis, and associated insurgents continue to enjoy safe havens in Pakistan, but are unlikely to be capable of overthrowing the Afghan Government unless the United States withdraws forces precipitously from Afghanistan;

(6) the Haqqani Network provides unique capabilities and capacity to the Afghan Taliban, and additionally, serves as a combat multiplier to the Afghan insurgency due to its geographic primacy over the key terrain of the Paktika, Paktia, and Khost provinces, as well as North and South Waziristan, and willingness to introduce international weaponry and technology into the battle space and serve as the reception point and integrator of international foreign fighters into the Afghan insurgency;

(7) the Haqqani Network has been the most important Afghan-based protector of Al Qaeda;

(8) the unique capabilities and effects brought to the battle space by the Haqqani Network necessitate that the Government of Afghanistan should have superior operational capacity in order to maintain the security of Afghanistan over time;

(9) the United States military should not maintain an indefinite combat mission in Afghanistan and should transition to a counterterrorism and advise and assist mission at the earliest practicable date, consistent with conditions on the ground;

(10) significant uncertainty exists within Afghanistan regarding the level of future United States military support; and

(11) in order to reduce this uncertainty, and to promote further stability and security in Afghanistan, the President should—

(A) fully consider the International Security Assistance Force Commander's assessment regarding the need for the United States to maintain a ''significant combat presence through 2013'';

(B) maintain a force of at least 68,000 troops through December 31, 2014, unless fewer forces can achieve United States objectives;

(C) maintain a credible troop presence after December 31, 2014, sufficient to conduct counterterrorism and train and advise the Afghan National Security Forces, consistent with the Strategic Partnership Agreement (signed on May 2, 2012); and

(D) maintain sufficient funding for the Afghan National Security Forces to accomplish the objectives described in paragraphs (3), (4), and (8).

(b) NOTIFICATION.—The President shall notify the congressional defense committees of any decision to reduce the number of United States Armed Forces deployed in Afghanistan below the number of such Armed Forces deployed in Afghanistan on—

(1) December 31, 2012,

(2) December 31, 2013, and

(3) December 31, 2014,

prior to any public announcement of any such decision to reduce the number of United States Armed Forces deployed in Afghanistan.

(c) MATTERS TO INCLUDE IN NOTIFICATION.—As part of a notification required by subsection (b), the President shall—

(1) provide an assessment of the relevant security risk metrics associated with the marginal reduction in force levels; and

(2) provide a by-unit assessment of the operational capability of the Afghan National Security Forces to independently conduct the required operations to maintain security in Afghanistan.

SEC. 1217. 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 most recently amended by section 1220 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1633), is further amended by striking ''September 30, 2012'' both places it appears and inserting ''September 30, 2013''.

(b) LIMITATION ON FUNDS SUBJECT TO REPORT AND UPDATES.—Section 1220(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1633) is amended—

(1) in the heading of paragraph (1), by inserting ''FOR FISCAL YEAR 2012'' after ''FUNDS'';

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(3) by inserting after paragraph (1) the following:

''(2) LIMITATION ON FUNDS FOR FISCAL YEAR 2013; REPORT REQUIRED.—Of the amounts appropriated or transferred to the Fund for fiscal year 2013, not more than 10 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 an update of the report required under paragraph (1).'';

(4) in paragraph (3) (as redesignated)—

(A) by inserting ''after fiscal year 2013'' after ''any fiscal year'';

(B) by striking ''requested to be''; and

(C) by striking ''at the same time that the President's budget is submitted pursuant to section 1105(a) of title 31, United States Code'' and

inserting ''not later than 45 days before amounts in the Fund are made available to the Secretary of Defense''; and

(5) in paragraph (4) (as redesignated), by striking ''the update required under paragraph (2)'' and inserting ''the updates required under paragraphs (2) and (3)''.

Subtitle C—Matters Relating to Iran

SEC. 1221. DECLARATION OF POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Iran, which has long sought to foment instability and promote extremism in the Middle East, is now seeking to exploit the dramatic political transition underway in the region to undermine governments traditionally aligned with the United States and support extremist political movements in these countries.

(2) At the same time, Iran may soon attain a nuclear weapons capability, a development that would threaten United States interests, destabilize the region, encourage regional nuclear proliferation, further empower and embolden Iran, the world's leading state sponsor of terrorism, and provide it the tools to threaten its neighbors, including Israel.

(3) With the assistance of Iran over the past several years, Syria, Hezbollah, and Hamas have increased their stockpiles of rockets, with more than 60,000 rockets now ready to be fired at Israel. Iran continues to add to its arsenal of ballistic missiles and cruise missiles, which threaten Iran's neighbors, Israel, and United States Armed Forces in the region.

(4) Preventing Iran from acquiring a nuclear weapon is among the most urgent national security challenges facing the United States.

(5) Successive United States administrations have stated that an Iran armed with a nuclear weapon is unacceptable.

(6) President Obama stated on January 24, 2012, ''Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal.''.

(7) In order to prevent Iran from developing nuclear weapons, the United States, in cooperation with its allies, must utilize all elements of national power including diplomacy, robust economic sanctions, and credible, visible preparations for a military option.

(8) Nevertheless, to date, diplomatic overtures, sanctions, and other non-kinetic actions toward Iran have not caused the Government of Iran to abandon its nuclear weapons program.

(9) With the impact of additional sanctions uncertain, additional pressure on the Government of Iran could come from the credible threat of military action against Iran's nuclear program.

(b) DECLARATION OF POLICY.—It shall be the policy of the United States to take all necessary measures, including military action if required, to prevent Iran from threatening the United States, its allies, or Iran's neighbors with a nuclear weapon.

SEC. 1222. UNITED STATES MILITARY PREPAREDNESS IN THE MIDDLE EAST.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) military exercises conducted in the Persian Gulf and Gulf of Oman emphasize the United States resolve and the policy of the United States described in section 1221(b) by enhancing the readiness of the United States military and allied forces, as well as signaling to the Government of Iran the commitment of the United States to defend its vital national security interests; and

(2) the President, as Commander in Chief, should augment the presence of the United States Fifth Fleet in the Middle East and to conduct military deployments, exercises, or other visible, concrete military readiness activities to underscore the policy of the United States described in section 1221(b).

(b) PLAN.—

(1) IN GENERAL.—The Secretary of Defense shall prepare a plan to augment the presence of the United States Fifth Fleet in the Middle East and to conduct military deployments, exercises, or other visible, concrete military readiness activities to underscore the policy of the United States described in section 1221(b).

(2) MATTERS TO BE INCLUDED.—The plan required under paragraph (1) shall include, at a minimum, steps necessary for the Armed Forces to support the policy of the United States described in section 1221(b), including—

(A) pre-positioning sufficient supplies of aircraft, munitions, fuel, and other materials for both air- and sea-based missions at key forward locations in the Middle East and Indian Ocean;

(B) maintaining sufficient naval assets in the region necessary to signal United States resolve and to bolster United States capabilities to launch a sustained sea and air campaign against a range of Iranian nuclear and military targets, to protect seaborne shipping, and to deny Iranian retaliation against United States interests in the region;

(C) discussing the viability of deploying at least two United States aircraft carriers, an additional large deck amphibious ship, and a Mine Countermeasures Squadron in the region on a continual basis, in support of the actions described in subparagraph (B); and

(D) conducting naval fleet exercises similar to the United States Fifth Fleet's major exercise in the region in March 2007 to demonstrate ability to keep the Strait of Hormuz open and to counter the use of anti-ship missiles and swarming high-speed boats.

(3) SUBMISSION TO CONGRESS.—The plan required under paragraph (1) shall be submitted to the congressional defense committees not later than 120 days after the date of enactment of this Act.

SEC. 1223. ANNUAL REPORT ON MILITARY POWER OF IRAN.

(a) IN GENERAL.—Section 1245 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2542) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) COMBATANT COMMANDER ASSESSMENT.—The report required under subsection (a) shall include an annex, in classified or unclassified form, that includes an identification and assessment of the Commander of the United States Central Command on the following:

''(1) Any critical gaps in intelligence that limit the ability of the Commander to counter threats emanating from Iran.

''(2) Any gaps in the capabilities, capacity, and authorities of the Commander to counter Iranian threats to United States Armed Forces and United States interests in the region.

''(3) Any gaps in the capabilities and capacity of the Commander to take military action against Iran to prevent Iran from developing a nuclear weapon.

''(4) Any other matters the Commander considers to be relevant.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act and apply with respect to each report required to be submitted under section 1245 of the National Defense Authorization Act for Fiscal Year 2010 on or after such date of enactment.

Subtitle D—Reports and Other Matters

SEC. 1231. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—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 1238 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1642), is further amended—

(1) by redesignating paragraphs (10), (11), and (12) as paragraphs (12), (13), and (14), respectively; and

(2) by inserting after paragraph (9) the following:

''(10) The strategy, goals, and capabilities of Chinese space programs, including trends, global and regional activities, the involvement of military and civilian organizations, including state-owned enterprises, academic institutions, and commercial entities, and efforts to develop, acquire, or gain access to advanced technologies that would enhance Chinese military capabilities.

''(11) The strategy, goals, and capabilities of Chinese cyber activities, including trends, global and regional activities, the involvement of military and civilian organizations, including state-owned enterprises, academic institutions, and commercial entities. Relevant analyses and forecasts shall consider—

''(A) Chinese cyber activities directed against the Department of Defense;

''(B) potential harms that may affect Department of Defense communications, computers, networks, systems, or other military assets as a result of a cyber attack; and

''(C) any other developments regarding Chinese cyber activities that the Secretary of Defense determines are relevant to the national security of the United States.''.

(b) COMBATANT COMMANDER ASSESSMENT.—Such section is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) COMBATANT COMMANDER ASSESSMENT.—The report required under subsection (a) shall include an annex, in classified or unclassified form, that includes an identification and assessment of the Commander of the United States Pacific Command on the following:

''(1) Any gaps in intelligence that limit the ability of the Commander to address challenges posed by the People's Republic of China.

''(2) Any gaps in the capabilities, capacity, and authorities of the Commander to address challenges posed by the People's Republic of China to United States Armed Forces and United States interests in the region.

''(3) Any other matters the Commander considers to be relevant.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect on the date of the enactment of this Act and apply with respect to each report required to be submitted under section 1202 of the National Defense Authorization Act for Fiscal Year 2000 on or after such date of enactment.

SEC. 1232. REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

(a) ADDITIONAL REPORT.—Subsection (a) of section 1236 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1641) is amended by inserting after ''November 1, 2012,'' the following: ''and November 1, 2013,''.

(b) COMBATANT COMMANDER ASSESSMENT.—Such section is further amended—

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

(2) by inserting after subsection (b) the following:

''(c) COMBATANT COMMANDER ASSESSMENT.—The report required under subsection (a) shall include an annex, in classified or unclassified form, that includes an identification and assessment of the Commander of the United States Pacific Command on the following:

''(1) Any gaps in intelligence that limit the ability of the Commander to counter threats emanating from North Korea.

''(2) Any gaps in the capabilities, capacity, and authorities of the Commander to counter

North Korean threats to United States Armed Forces and United States interests in the region.

''(3) Any other matters the Commander considers to be relevant.''.

SEC. 1233. REPORT ON HOST NATION SUPPORT FOR OVERSEAS UNITED STATES MILITARY INSTALLATIONS AND UNITED STATES ARMED FORCES DEPLOYED IN COUNTRY.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1 of each year from 2013 through 2015, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report on the direct, indirect, and burden-sharing contributions made by host nations to support United States Armed Forces deployed in country.

(2) ELEMENTS.—The report required by paragraph (1) shall include at least the following:

(A) The methodology and accounting procedures used to measure and track direct, indirect, and burden-sharing contributions made by host nations.

(B) The stationing costs, paid by the host nation, associated with United States Armed Forces stationed outside the territory of the United States in that nation.

(C) A description of direct, indirect, and burden-sharing contributions by host nation, including the following:

(i) Contributions accepted for the following costs:

(I) Compensation for local national employees of the Department of Defense.

(II) Military construction projects of the Department of Defense, including design, procurement, construction management costs, rents on privately-owned land, facilities, labor, utilities and vicinity improvements.

(III) Other costs such as loan guarantees on public-private venture housing and payment-in-kind for facilities returned to the host nation.

(ii) Contributions accepted for any other purpose.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex if necessary.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—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.

(2) HOST NATION.—The term ''host nation'' means any country that hosts a permanent or temporary United States military installation or a permanent or rotational deployment of United State Armed Forces located outside of the borders of the United States.

(3) CONTRIBUTIONS.—The term ''contributions'' means cash and in-kind contributions made by a host nation that replace expenditures that would otherwise be made by the Secretary of Defense using funds appropriated or otherwise made available in defense appropriations Acts.

SEC. 1234. NATO SPECIAL OPERATIONS HEADQUARTERS.

(a) IN GENERAL.—Section 1244(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2541), as amended by section 1242 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4405), is further amended by striking ''fiscal year 2011'' and inserting ''fiscal year 2013''.

(b) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the NATO Special Operations Headquarters, not more than 50 percent may be obligated or expended until the date that is 30 days after the date on which the Secretary of Defense finalizes and formalizes U.S. Special Operations Command as the executive agent and lead component for the NATO Special Operations Headquarters.

SEC. 1235. REPORTS ON EXPORTS OF MISSILE DEFENSE TECHNOLOGY TO CERTAIN COUNTRIES.

(a) REPORTS.—Not later than 180 days after the date of the enactment of this Act, and each year thereafter through 2015, the Secretary of Defense shall submit to the appropriate congressional committees a report on the following:

(1) A description of the types of assistance, including assistance relating to missile defense, provided by the Department of Defense to foreign countries that export space, counter-space, and ballistic missile equipment, material, and technologies that could be used in other countries' space, counter-space, and ballistic missile programs.

(2) A description of such exports to countries with space, counter-space, and ballistic missile programs, including a description of specific technologies that are exported to such countries.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees; and

(2) the Committee of Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1236. LIMITATION ON FUNDS TO PROVIDE THE RUSSIAN FEDERATION WITH ACCESS TO MISSILE DEFENSE TECHNOLOGY.

(a) LIMITATION ON FUNDS FOR CLASSIFIED TECHNOLOGY AND DATA.—

(1) IN GENERAL.—None of the funds made available for fiscal years 2012 or 2013 for the Department of Defense may be used to provide the Russian Federation with access to information that is classified or was classified as of January 2, 2012, regarding—

(A) missile defense technology of the United States, including hit-to-kill technology; or

(B) data, including sensitive technical data, warning, detection, tracking, targeting, telemetry, command and control, and battle management data, that support the missile defense capabilities of the United States.

(2) APPLICABILITY.—The limitation in paragraph (1) shall apply with respect to the use of funds on or after the date of the enactment of this Act.

(b) LIMITATION ON FUNDS FOR OTHER TECHNOLOGY AND DATA.—

(1) IN GENERAL.—None of the funds made available for fiscal years 2012 or 2013 for the Department of Defense may be used to provide the Russian Federation with access to missile defense technology or technical data not described in subsection (a) unless—

(A) the President submits to the appropriate congressional committees—

(i) a report that contains a description of—

(I) the specific missile defense technology or technical data to be provided to the Russian Federation, the reasons for providing such technology or data, and how the technology or technical data is intended to be used;

(II) the measures necessary to protect the technology or technical data;

(III) the specific missile defense technology or technical data of the Russian Federation that the Russian Federation is providing the United States with access to; and

(IV) the status and substance of discussions between the United States and the Russian Federation on missile defense matters; and

(ii) written certification by the President that providing the Russian Federation with access to such missile defense technology or technical data—

(I) includes an agreement on prohibiting access to such technology or data by any other country or entity;

(II) will not enable the development of countermeasures to any missile defense system of the United States or otherwise undermine the effectiveness of any such missile defense system; and

(III) will correspond to equitable access by the United States to missile defense technology or technical data of the Russian Federation; and

(B) a period of 30 days has elapsed following the date on which the President submits to the appropriate congressional committees the report and written certification under subparagraph (A).

(2) APPLICABILITY.—The limitation in paragraph (1) shall apply with respect to the use of funds on or after the date of the enactment of this Act.

(c) FORM.—The report described in clause (i) of subsection (b)(1)(A) and the certification described in clause (ii) of such subsection shall be submitted in unclassified form, but may contain a classified annex, if necessary.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1237. INTERNATIONAL AGREEMENTS RELATING TO MISSILE DEFENSE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that an agreement regarding missile defense cooperation between the United States and the Russian Federation that is negotiated with the Russian Federation through the North Atlantic Treaty Organization (''NATO'') or a provision to amend the charter of the NATO–Russia Council, should not be considered legally or politically binding unless the agreement is—

(1) specifically approved with the advice and consent of the Senate pursuant to article II, section 2, clause 2 of the Constitution; or

(2) specifically authorized by an Act of Congress.

(b) MISSILE DEFENSE AGREEMENTS.—

(1) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 130f. International agreements relating to missile defense

''(a) IN GENERAL.—In accordance with the understanding under subsection (b)(1)(B) of the Resolution of Advice and Consent to Ratification of the New START Treaty of the Senate, any agreement with a country or international organization or amendment to the New START Treaty (including an agreement made by the Bilateral Consultative Commission established by the New START Treaty) concerning the limitation of the missile defense capabilities of the United States shall not be binding on the United States, and shall not enter into force with respect to the United States, unless after the date of the enactment of this section, such agreement or amendment is—

''(1) specifically approved with the advice and consent of the Senate pursuant to article II, section 2, clause 2 of the Constitution; or

''(2) specifically authorized by an Act of Congress.

''(b) ANNUAL NOTIFICATION.—Not later than January 31 of each year, beginning in 2013, the President shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a notification of—

''(1) whether the Russian Federation has recognized during the previous year the sovereign right of the United States to pursue quantitative and qualitative improvements in missile defense capabilities; and

''(2) whether during any treaty negotiations or other Government-to-Government contacts between the United States and the Russian Federation (including under the auspices of the Bilateral Consultative Commission established by the New START Treaty) during the previous year a representative of the Russian Federation suggested that a treaty or other international agreement include, with respect to the United States—

''(A) restricting missile defense capabilities, military capabilities in space, or conventional prompt global strike capabilities; or

''(B) reducing the number of non-strategic nuclear weapons deployed in Europe.

''(c) NEW START TREATY DEFINED.—In this section, the term 'New START Treaty' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 130e the following new item:

''130f. International agreements relating to missile defense.''.

(c) DEFENSE TECHNOLOGY COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2350n. Defense technology cooperation agreements between the United States and the Russian Federation

''(a) IN GENERAL.—None of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense may be used to implement a defense technology cooperation agreement entered into between the United States and the Russian Federation until a period of 60 days has elapsed following the date on which the President transmits such agreement to the congressional defense committees.

''(b) DEFENSE TECHNOLOGY COOPERATION AGREEMENT DEFINED.—In this section, the term 'defense technology cooperation agreement' means a cooperative agreement related to research and development entered into under section 2358 of this title or any other provision of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2350m the following new item:

''2350n. Defense technology cooperation agreement between the United States and the Russian Federation.''.

(d) LIMITATION ON MISSILE DEFENSE NEGOTIATION.—

(1) IN GENERAL.—None of the funds made available for fiscal years 2012 or 2013 for the Department of Defense may be used to implement an agreement regarding missile defense entered into with the Russian Federation until the date that is 30 days after the date on which the President transmits to the appropriate congressional committees the draft agreement discussed between the United States and the Russian Federation at Deauville, France, in May 2011.

(2) APPLICABILITY.—The limitation in paragraph (1) shall apply with respect to the use of funds on or after the date of the enactment of this Act.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2013 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2013 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 2013, 2014, and 2015.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $519,111,000 authorized to be appropriated to the Department of Defense for fiscal year 2013 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, $68,271,000.

(2) For chemical weapons destruction, $14,630,000.

(3) For global nuclear security, $99,789,000.

(4) For cooperative biological engagement, $276,399,000.

(5) For proliferation prevention, $32,402,000.

(6) For threat reduction engagement, $2,375,000.

(7) For activities designated as Other Assessments/Administrative Costs, $25,245,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2013 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 2013 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 2013 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.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2013 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.

Funds are hereby authorized to be appropriated for the fiscal year 2013 for the National Defense Sealift Fund, as specified in the funding table in section 4501.

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 2013 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 2013 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 2013 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 2013 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.

SEC. 1407. CEMETERIAL EXPENSES.

Funds are hereby authorized to be appropriated for the Department of the Army for fiscal year 2013 for cemeterial expenses, not otherwise provided for, as specified in the funding table in section 4501.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2013, the National Defense Stockpile Manager may obligate up to $44,899,227 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. ADDITIONAL SECURITY OF STRATEGIC MATERIALS SUPPLY CHAINS.

Section 2(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a) is amended by inserting ''or a single point of failure'' after ''foreign sources''.

Subtitle C—Other Matters

SEC. 1421. REDUCTION OF UNOBLIGATED BALANCES WITHIN THE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $26,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

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 for section 1406 and available for the Defense Health Program for operation and maintenance, $139,204,000 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 the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

SEC. 1423. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2013 from the Armed Forces Retirement Home Trust Fund the sum of $67,590,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Additional Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2013 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 2013 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 2013 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 2013 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 2013 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 2013 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 2013 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 2013 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 2013 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 2013 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $3,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Limitations and Other Matters

SEC. 1531. 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 2013. In providing prior notice to the congressional defense committees of the obligation of funds from the Joint Improvised Explosive Device Defeat Fund for such fiscal year, as required by paragraph (4) of such subsection (c), the Secretary of Defense shall include the market research or associated analysis of alternatives conducted in the process of taking action to initiate any project for which the total obligation of funds from the Fund will exceed $10,000,000.

(b) MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each month of fiscal year 2013, 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. 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), as amended by section 1534 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1658), is further amended—

(1) in paragraph (6), by striking ''October 31, 2011, and October 31, 2012'' and inserting ''October 31, 2011, October 31, 2012, and October 31, 2013''; and

(2) in paragraph (7), by striking ''September 30, 2012'' and inserting ''September 30, 2013''.

(b) SCOPE OF PROJECTS.—Paragraph (3) of such subsection, as so amended, is further amended—

(1) by striking ''private investment, mining sector development, industrial development, and other projects'' and inserting ''mining and natural resource industry development''; and

(2) by striking ''focus on improving the commercial viability of'' and inserting ''complement''.

(c) FUNDING.—Paragraph (4) of such subsection, as so amended, is further amended—

(1) by striking ''The Secretary'' and inserting the following:

''(A) IN GENERAL.—The Secretary''.

(2) by striking ''The amount'' and all that follows through ''appropriate congressional committees.'' and inserting the following:

''(B) LIMITATION.—The amount of funds used under authority of subparagraph (A)—

''(i) may not exceed $150,000,000 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

''(ii) may not exceed $50,000,000 for fiscal year 2013, except that no such funds may be obligated until the Secretary notifies the appropriate congressional committees that the activities of the Task Force for Business and Stability Operations in Afghanistan will be transitioned to the Department of State by September 30, 2013.''; and

(3) by striking ''The funds'' and inserting the following:

''(C) AVAILABILITY.—The funds''.

SEC. 1533. LIMITATIONS ON AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF EXISTING LIMITATIONS ON AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2013 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) AFGHAN PUBLIC PROTECTION FORCE.—

(1) LIMITATION.—None of the funds available to the Department of Defense for fiscal year 2013 for the Afghanistan Security Forces Fund may

be obligated or expended for the Afghan Public Protection Force (in this subsection referred to as the ''APPF'') until the Secretary of Defense certifies in writing to the congressional defense committees the following:

(A) Each subcontract, task order, or delivery order entered into with the APPF under a contract of the Department of Defense, or any agreement between the United States and Afghanistan for services of the APPF for the Department of Defense, will include—

(i) standard format, content, and liability clauses to ensure consistent levels of security and dispute resolution mechanisms;

(ii) a requirement for members of the APPF to adhere to the APPF Code of Conduct, including principles of conduct for such personnel, minimum vetting requirements, and management and oversight commitments;

(iii) authority for the prime contractor or, in the case of an agreement, the United States, to independently conduct biometric screening;

(iv) authority for the prime contractor or, in the case of an agreement, the United States—

(I) to direct the APPF, at its own expense, to remove or replace any personnel performing on a subcontract or such agreement who fail to meet the APPF Code of Conduct or terms of such subcontract or agreement; and

(II) to terminate the subcontract or such agreement, if the failure to comply is a gross violation or is repeated; and

(v) authority for the Commander, International Security Assistance Force (or his designee)—

(I) to provide an arming authorization for APPF personnel authorized to perform activities at a military installation or facility in Afghanistan at which members of the Armed Forces deployed to Afghanistan are garrisoned or housed;

(II) to account for and keep appropriate records of APPF personnel authorized to perform activities at a military installation or facility in Afghanistan at which members of the Armed Forces deployed to Afghanistan are garrisoned or housed, including on a database referred to as the Synchronized Predeployment and Operational Tracker; and

(III) to consult with the Minister of Interior of Afghanistan regarding rules on the use of force for APPF personnel.

(B) The Minister of Interior of Afghanistan is committed to ensuring that sufficient numbers of APPF personnel are trained to match demand and attrition.

(C) Sufficient clarity exists with regard to command and control of APPF personnel and the role of risk management consultants.

(D) The program established pursuant to section 1225 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 22 U.S.C. 2785 note) is sufficient to—

(i) account for the transfer of any contractor-acquired, United States Government-owned defense articles to the APPF; and

(ii) conduct end-use monitoring, including an inventory of the existence and completeness of any such defense articles;

(E) Mechanisms are in place to ensure that there is no additional cost to the United States for—

(i) a weapon used in the performance of APPF services under a subcontract of a contract of the Department of Defense, or through an agreement between the United States and Afghanistan, if such a weapon is a United States Government-owned weapon; and

(ii) any assistance also provided through the Afghan Security Forces Fund for support to APPF.

(F) The Minister of Interior of Afghanistan has established the elements required by subparagraphs (A) through (F) of section 862(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181). For purposes of the preceding sentence, the terms ''personnel performing private security functions in an area of combat operations or other significant military operations'', ''contractor'', and ''contractor personnel'', as used in section 862 of such Act, mean members of the APPF.

(G) The Secretary is confident the security provided to supply convoys, to Department of Defense construction projects, and to Armed Forces deployed to Afghanistan will not be degraded.

(2) ADDITIONAL LIMITATION.—None of the funds available to the Department of Defense for fiscal year 2013 for the Afghanistan Security Forces Fund may be obligated or expended for infrastructure improvements at a APPF training center.

(3) QUARTERLY REPORTS.—

(A) ASSESSMENT REQUIRED.—Each fiscal year quarter during fiscal years 2013 and 2014, the Secretary of Defense shall conduct an assessment of the APPF.

(B) REPORTS.—Thirty days following the end of each quarter of fiscal years 2013 and 2014, the Secretary shall submit a report to the congressional defense committees of each assessment conducted under subparagraph (A).

(C) MATTERS COVERED.—Each such report shall include—

(i) a detailed assessment of the ability of the APPF to perform the essential tasks identified by the assessment team;

(ii) an identification and evaluation of measures of effectiveness,

(iii) a description of the size of the APPF and an assessment of the sufficiency of its recruiting and training; and

(iv) a discussion of the issues the Secretary considers significant, and any recommendations to address those issues or other recommendations to improve future performance of the APPF, as the Secretary considers appropriate.

(D) FIRST REPORT.—The first quarterly report submitted after the date of the enactment of this Act shall include an estimate of the cost to the Department of Defense of the APPF, including funds within the Afghan Security Forces Fund and estimated contractual costs for fiscal years 2013 and 2014.

(E) A report submitted following the end of the second and fourth quarter of a fiscal year shall include a comparison of the cost to the Department of Defense (both direct and to contractors of the Department of Defense) for the preceding six months of—

(i) the use of the APPF; and

(ii) the historical use of private security contractors for a similar six-month period.

(4) AGREEMENTS.—The Secretary shall submit to the congressional defense committees a copy of each agreement signed by the United States and Afghanistan for services of the APPF for the Department of Defense during the first six months following the date of the enactment of this Act.

TITLE XVI—INDUSTRIAL BASE MATTERS

Subtitle A—Defense Industrial Base Matters

SEC. 1601. DISESTABLISHMENT OF DEFENSE MATERIEL READINESS BOARD.

(a) DISESTABLISHMENT OF BOARD.—The Defense Materiel Readiness Board established pursuant to section 871 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 117 note) is hereby disestablished.

(b) TERMINATION OF DEFENSE STRATEGIC READINESS FUND.—The Defense Strategic Readiness Fund established by section 872(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 117 note) is hereby closed.

(c) REPEAL.—Subtitle G of title VIII of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 117 note) is repealed.

SEC. 1602. ASSESSMENT OF EFFECTS OF FOREIGN BOYCOTTS.

Section 2505 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

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

''(d) ASSESSMENT OF EXTENT OF EFFECTS OF FOREIGN BOYCOTTS.—Each assessment under subsection (a) shall include a separate discussion and presentation regarding the extent to which the national technology and industrial base is affected by foreign boycotts. The discussion and presentation regarding foreign boycotts shall—

''(1) identify sectors of the national technology and industrial base being affected by foreign boycotts;

''(2) assess the harm to the national technology and industrial base as a result of such boycotts; and

''(3) identify actions necessary to minimize the effects of foreign boycotts on the national technology and industrial base.''.

SEC. 1603. ADVANCING INNOVATION PILOT PROGRAM.

(a) PILOT PROGRAM.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Research and Engineering, may establish and implement a pilot program, to be known as the ''Advancing Innovation Pilot Program'', in furtherance of the national security objectives in section 2501(a) of title 10, United States Code.

(b) PURPOSE.—The purpose of the pilot program is to accelerate development and fielding of research innovations from qualifying institutions.

(c) AVAILABILITY OF FUNDS.—Of the funds authorized and appropriated, or otherwise made available, for research, development, test and evaluation, the Secretary may allocate funding to qualifying institutions in accordance with this subsection. Such funding shall be used to evaluate the potential of fielding or commercialization of existing discoveries, including—

(1) proof of concept research or prototype development; and

(2) activities that contribute to determining a project's path to fielding or commercialization of dual-use technologies, including technical validations, market research, determination of intellectual property rights, and investigating military or commercial opportunities.

(d) IMPLEMENTATION.—Prior to obligation or execution of funding under the pilot program, the Secretary shall develop and issue guidance to implement the pilot program. Such guidance shall, at a minimum—

(1) require that funding allocated under the pilot program shall be done using a competitive, merit-based process;

(2) ensure that qualifying institutions establish a rigorous, diverse review board for program execution that shall be comprised of experts in translational and proof of concept research, including representatives that provide expertise in transitioning technology, financing mechanisms, intellectual property rights, and advancement of small business concerns;

(3) ensure that technology validation milestones are established; and

(4) enable the Assistant Secretary to reallocate funding with the pilot program from poor performing projects to those with more potential.

(e) LIMITATION.—Funding made available under the pilot program shall not be used for basic research, or to fund the acquisition of research equipment or supplies not directly related to fielding activities to meet military requirements or commercialization of dual-use technologies.

(f) REPORT.—Not later than 90 days after the completion of the pilot program, the Secretary shall submit to the congressional defense committees a report evaluating the effectiveness of the activities of the pilot program. The report shall include—

(1) a detailed description of the execution of the pilot program, including incentives and activities undertaken by review board experts;

(2) an accounting of the funds used in the pilot program;

(3) a detailed description of the institutional and proposal selection process;

(4) a detailed compilation of results achieved by the pilot program;

(5) an analysis of the program's effectiveness, with data supporting the analysis; and

(6) recommendations for advancing innovation and otherwise improving the transition of technology to meet Department of Defense requirements.

(g) DEFINITIONS.—In this section:

(1) QUALIFYING INSTITUTION.—The term ''qualifying institution'' means any entity at which research and development activities are conducted and that has past performance in technology transition or commercialization of third-party research, including—

(A) an institution of higher education or other nonprofit entity; and

(B) a for-profit entity.

(2) RESEARCHER.—The term ''researcher'' means a university or Federal laboratory that conducts basic research.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 101 of the Higher Education Act of 1965.

(4) DUAL-USE.—The term ''dual-use'' has the meaning provided in section 2500(2) of title 10, United States Code.

(h) TERMINATION.—The pilot program conducted under this section shall terminate on September 30, 2017.

SEC. 1604. NATIONAL SECURITY STRATEGY FOR NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) REQUIREMENT FOR STRATEGY.—

(1) IN GENERAL.—Section 2501 of title 10, United States Code, is amended as follows:

(A) The section heading is amended by striking ''**objectives concerning**'' and inserting ''**strategy for**''.

(B) Subsection (a) is amended—

(i) in the subsection heading, by striking ''OBJECTIVES'' and inserting ''STRATEGY'';

(ii) by striking ''It is the policy of'' and all that follows through ''objectives:'' and inserting the following: ''The Secretary of Defense shall develop a national security strategy for the national technology and industrial base. Such strategy shall be based on a prioritized assessment of risks and challenges to the defense supply chain and shall ensure that the national technology and industrial base is capable of achieving the following national security objectives:''; and

(iii) by adding at the end the following new paragraph:

''(9) Ensuring reliable sources of materials that are critical to national security, such as specialty metals, armor plate and rare earth elements.

''(10) Reducing, to the maximum extent practicable, the presence of counterfeit parts in the supply chain and the risk associated with such parts.''.

(2) CLERICAL AMENDMENT.—The item relating to section 2501 in the table of sections at the beginning of subchapter II of chapter 148 of such title is amended to read as follows:

''2501. National security strategy for national technology and industrial base.''.

(b) AMENDMENT TO ANNUAL REPORT RELATING TO DEFENSE INDUSTRIAL BASE.—Section 2504 of such title is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) by inserting after paragraph (2) (as so redesignated) the following new paragraph (3):

''(3) Based on the assessments prepared pursuant to section 2505 of this title—

''(A) a description of any mitigation strategies necessary to address any gaps or vulnerabilities in the national technology and industrial base; and

''(B) any other steps necessary to foster and safeguard the national technology and industrial base.''.

(c) REQUIREMENT FOR CONSIDERATION OF STRATEGY IN ACQUISITION PLANS.—Section 2440 of such title is amended by inserting after ''base'' the following: '', in accordance with the strategy required by section 2501 of this title,''.

(d) CONFORMING AMENDMENTS.—Section 852 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1517; 10 U.S.C. 2504 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c), and in that subsection by striking ''subsection (c).'' in the first sentence and inserting ''section 2501 of title 10, United States Code.''.

Subtitle B—Department of Defense Activities Related to Small Business Matters

SEC. 1611. PILOT PROGRAM TO ASSIST IN THE GROWTH AND DEVELOPMENT OF ADVANCED SMALL BUSINESS CONCERNS.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary of Defense shall establish a pilot program within the Department of Defense to assist in the growth and development of advanced small business concerns in accordance with this section.

(b) REQUIREMENTS OF PILOT PROGRAM.—

(1) RESTRICTED COMPETITION FOR CERTAIN CONTRACTS.—Under the pilot program and except as provided under paragraph (2)(B), competition for contract awards may be restricted to advanced small business concerns if—

(A) the anticipated award price of the contract (including options) is reasonably expected to exceed $25,000,000;

(B) the Procurement Center Representative of the Small Business Administration or the Director of Small Business Programs of the Department of Defense determines that, if the contract were not awarded under the pilot program, the contract would likely be awarded to an entity other than a small business concern;

(C) there is a reasonable expectation that at least two advanced small business concerns will submit offers with respect to the contract;

(D) such advanced small business concerns agree to the requirements specified in section 15(o) of the Small Business Act (15 U.S.C. 644(o)) (relating to percentage of work under the contract to be performed by the concern), except that work performed by other advanced small business concerns or by small business concerns shall be considered as work performed by the prime contractor for purposes of such requirements; and

(E) the contract award can be made at a fair market price.

(2) ELIGIBILITY.—

(A) ADVANCED SMALL BUSINESS CONCERN.—An entity shall be considered an advanced small business concern and eligible for participation in the pilot program if the entity—

(i) is independently owned and operated and is not dominant in its field of operation; and

(ii) has fewer than—

(I) twice the number of employees the Small Business Administration has assigned as a size standard to the North American Industrial Classification Standard code in which the entity is operating; or

(II) three times the average annual receipts the Small Business Administration has assigned as a size standard to the North American Industrial Classification Standard code in which the entity is operating.

(B) SMALL BUSINESS CONCERN.—Notwithstanding paragraph (1), a small business concern may submit an offer for any contract under the pilot program.

(3) CONSIDERATION AND NOTICE TO PUBLIC.—With respect to a contract opportunity determined to meet the criteria specified in paragraph (1), a contracting officer for the Department of Defense shall—

(A) consider awarding a contract under the pilot program before using full and open competition for such contract; and

(B) provide notice of the contract opportunity (including the eligibility requirements of the contract opportunity) in accordance with the Federal Acquisition Regulation and other applicable guidelines.

(4) RELATIONSHIP TO SMALL BUSINESS ACT PROGRAMS.—

(A) An advanced small business concern shall not be eligible for any assistance provided to small businesses by the Small Business Act (15 U.S.C. 637 et seq.) or the Small Business Investment Act of 1958 22 (15 U.S.C. 661 et seq.), unless eligibility is expressly provided through the pilot program established by this Act, and contracts awarded pursuant to the pilot program shall not be counted toward the achievement of the small business prime or subcontracting goals established by the Small Business Act (15 U.S.C. 644).

(B) An advanced small business concern shall enter into a subcontracting plan in accordance with section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

(C) Nothing in this section authorizes a Procurement Center Representative or an employee of the Office of Small Business Programs to provide assistance to advanced small business concerns or to advocate for the restriction of competition to advanced small business concerns.

(c) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the Small Business Administration, shall develop and issue guidance to implement the pilot program. The guidance shall—

(1) identify criteria under which the pilot program is evaluated, including a methodology to collect data during the course of the pilot program to facilitate an assessment at the conclusion of the pilot program;

(2) permit a self-certification for eligibility for participation in the pilot program;

(3) ensure that any self-certification requires the concern involved to meet the requirements of the Small Business Administration regarding ownership, control, and affiliation (as set forth in section 121.103 of title 13 of the Code of Federal Regulations);

(4) establish an appeals process to handle challenges to self-certifications of advanced small business concerns, with the certification of eligibility residing with the Small Business Administration's Office of Hearings and Appeals;

(5) identify a method to reimburse the Small Business Administration for additional costs to the Administration relating to such self-certifications;

(6) establish a methodology for identifying and tracking program participants, including reporting on contracts awarded to program participants using the Federal Procurement Data System; and

(7) ensure that the pilot program does not supersede goals or programs authorized by the Small Business Act (15 U.S.C. 637 et seq.) or the Small Business Investment Act of 1958 22 (15 U.S.C. 661 et seq.) or count toward the achievement of the small business prime or subcontracting goals established by the Small Business Act (15 U.S.C. 644).

(d) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, and annually thereafter for the duration of the pilot program, the Secretary of Defense shall submit to the appropriate congressional committees a report on the pilot program that includes each of the following:

(1) The number of contracts awarded in the prior year under the pilot program.

(2) The value of the contracts awarded under the pilot program and a description of the work carried out under such contracts.

(3) The number of program participants under the pilot program.

(4) An assessment of the success of the pilot program based on the criteria described in subsection (c)(1).

(5) Such recommendations as the Secretary considers appropriate, including a recommendation regarding whether to extend the pilot program or terminate it early.

(e) TERMINATION.—The pilot program shall terminate on the date that is three years after the date on which the guidance for the pilot program is issued pursuant to subsection (c).

(f) DEFINITIONS.—In this section:

(1) ADVANCED SMALL BUSINESS CONCERN.—The term ''advanced small business concern'' means an entity that meets the requirements specified in subsection (b)(2)(A).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means each of the following:

(A) The Committees on Armed Services and on Small Business and Entrepreneurship of the Senate.

(B) The Committees on Armed Services and on Small Business of the House of Representatives.

(3) OFFICE OF SMALL BUSINESS PROGRAMS.—The term ''Office of Small Business Programs'' means the Office of Small Business Programs described in section 144(b) of title 10, United States Code.

(4) PILOT PROGRAM.—The term ''pilot program'' means the program established by the Secretary of Defense under subsection (a).

(5) PROCUREMENT CENTER REPRESENTATIVE.—The term ''Procurement Center Representative'' has the meaning provided in section 15 of the Small Business Act (15 U.S.C. 644).

(6) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning provided under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

SEC. 1612. ROLE OF THE DIRECTORS OF SMALL BUSINESS PROGRAMS IN REQUIREMENTS DEVELOPMENT AND ACQUISITION DECISION PROCESSES OF THE DEPARTMENT OF DEFENSE.

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall develop and issue guidance to ensure that the head of each Office of Small Business Programs in the Department of Defense is a participant in requirements development and acquisition decision processes—

(1) of the Department, in the case of the Director of Small Business Programs in the Department of Defense; and

(2) of the military department concerned, in the case of the Director of Small Business Programs in the Department of the Army, in the Department of the Navy, and in the Department of the Air Force.

(b) MATTERS TO BE INCLUDED.—Such guidance shall, at a minimum—

(1) require the Director of Small Business Programs in the Department of Defense—

(A) to serve as an advisor to the Defense Acquisition Board; and

(B) to serve as an advisor to the Information Technology Acquisition Board; and

(2) require coordination between the chiefs of the Armed Forces and the service acquisition executives, as appropriate (or their designees), and the Director of Small Business Programs in each military department during the process for approval of—

(A) a requirements document, as defined in section 2547 of title 10, United States Code; and

(B) acquisition strategies or plans.

SEC. 1613. SMALL BUSINESS ADVOCATE FOR DEFENSE AUDIT AGENCIES.

(a) SMALL BUSINESS ADVOCATE.—Subchapter II of chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 204. Small Business Advocate for defense audit agencies

''(a) SMALL BUSINESS ADVOCATE.—The Secretary of Defense shall designate within each defense audit agency an official as the Small Business Advocate to have the duties described in subsection (b) and such other responsibilities as may be determined by the Secretary.

''(b) DUTIES.—The Small Business Advocate at a defense audit agency shall—

''(1) advise the Director of the defense audit agency on all issues related to small business concerns;

''(2) serve as the defense audit agency's primary point of contact and source of information for small business concerns; and

''(3) collect relevant data and monitor the defense audit agency's conduct of audits of small business concerns, including—

''(A) monitoring the timeliness of audit closeouts for small business concerns; and

''(B) monitoring the responsiveness of the agency to issues or other matters raised by small business concerns; and

''(4) develop and implement processes and procedures to improve the performance of the defense audit agency related to the timeliness of audits of small business concerns and the responsiveness of the agency to issues or other matters raised by small business concerns.

''(c) DEFENSE AUDIT AGENCY DEFINED.—In this section, the term 'defense audit agency' means the Defense Contract Audit Agency and the Defense Contract Management Agency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 8 of such title is amended by inserting after the item relating to section 203 the following new item:

''204. Small Business Advocate for defense audit agencies.''.

SEC. 1614. INDEPENDENT ASSESSMENT OF FEDERAL PROCUREMENT CONTRACTING PERFORMANCE OF THE DEPARTMENT OF DEFENSE.

(a) ASSESSMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a federally funded research and development center to conduct an independent assessment of the Department's procurement performance related to small business concerns.

(b) MATTERS COVERED.—The assessment under subsection (a) shall, at a minimum, include—

(1) a description of the industrial composition of companies receiving subcontracts pursuant to the test program for the negotiation of comprehensive small business subcontracting plans pursuant to section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note);

(2) a comparison of the industrial composition of prime contractors participating in such test program and the industrial composition of all prime contractors of the Department of Defense;

(3) a determination of barriers to accurately capturing data on small business prime contracting and subcontracting, including an examination of the reliability of the information technology systems of the Department that are used to track such data;

(4) recommendations for improving the quality and availability of data regarding small business prime contracting and subcontracting performance;

(5) recommendations to improve and inform negotiations regarding small business contract goals for the Department;

(6) an examination of the execution of small business subcontracting plans, including an assessment of the degree to which initial teaming agreements are not maintained through the performance of contracts;

(7) an examination of the extent to which the Department adheres to current policies and guidelines relating to small business prime contracting and subcontracting goals;

(8) recommendations for increasing opportunities for small business concerns owned and controlled by service-disabled veterans (as defined by section 3(q) of the Small Business Act (15 U.S.C. 632(q)) to do business with the Department of Defense;

(9) an examination of the extent to which the Department bundles, consolidates, or otherwise groups requirements into contracts that are unsuitable for award to small businesses, and the effects that such practices have on small business participation;

(10) recommendations for increasing small business prime contracting and subcontracting opportunities with the Department; and

(11) recommendations for steps that can be taken to prevent abuses and ensuring that small business contracts are in fact going to small businesses.

(c) REPORT.—Not later than January 1, 2014, the Secretary shall submit to the congressional defense committees a report on the independent assessment conducted under this section.

SEC. 1615. ASSESSMENT OF SMALL BUSINESS PROGRAMS TRANSITION.

(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 transition of technologies developed by small business, such as those developed under the Small Business Innovation Research Program, into major weapon systems and major automated information systems for the Department of Defense.

(b) ELEMENTS.—The review and assessment required by subsection (a) shall include the following:

(1) An analysis of a representative sample of major weapon systems and major automated information systems to determine the content of the systems from small businesses, including components transitioned from the Small Business Innovation Research Program.

(2) An analysis of established or ad hoc processes to allow program offices to monitor, evaluate, and transition small business-developed technologies into their program.

(3) Recommendations for developing a systematic and sustained process for monitoring, evaluating, and transitioning small business-developed technologies for use by the entire defense acquisition system of the Department of Defense, including data collection and measures of effectiveness and performance.

(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 process for managing the transition and integration of technologies developed by small business (including under the Small Business Innovation Research Program) into major weapons systems and major automated information systems.

(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 results and recommendations contained in such report.

(d) SBIR PROGRAM DEFINED.—In this section, the term ''Small Business Innovation Research Program'' has the meaning provided such term by section 2500(11) of title 10, United States Code.

SEC. 1616. ADDITIONAL RESPONSIBILITIES OF INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT FOR PEER REVIEWS.—Section 8(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking ''and'' at the end of paragraph (8);

(2) by striking the period and inserting ''; and'' at the end of paragraph (9); and

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

''(10) conduct peer reviews of Department of Defense audit agencies in accordance with and

in such frequency as provided by Government auditing standards as established by the Comptroller General of the United States.''.

(b) REQUIREMENT FOR ADDITIONAL INFORMATION IN SEMIANNUAL REPORTS.—Section 8(f) of such Act is amended by striking paragraph (1) and inserting the following:

''(1) Each semiannual report prepared by the Inspector General of the Department of Defense under section 5(a) shall be transmitted by the Secretary of Defense to the Committees on Armed Services and on Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services and on Oversight and Government Reform of the House of Representatives and to other appropriate committees or subcommittees of Congress. Each such report shall include—

''(A) information concerning the numbers and types of contract audits conducted by the Department during the reporting period; and

''(B) information concerning any Department of Defense audit agency that, during the reporting period, has either failed an audit or is overdue for a peer review required to be conducted in accordance with subsection (c)(10).''.

SEC. 1617. RESTORATION OF 1 PERCENT FUNDING FOR ADMINISTRATIVE EXPENSES OF COMMERCIALIZATION READINESS PROGRAM OF DEPARTMENT OF DEFENSE.

(a) RESTORATION.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)), as amended by section 5141(b)(1)(B) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1853) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4) FUNDING.—For payment of expenses incurred to administer the Commercialization Readiness Program under this subsection, the Secretary of Defense and each Secretary of a military department is authorized to 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. Such funds shall not be used to make Phase III awards.''.

(b) TECHNICAL AMENDMENT.—Section 5141(b)(3)(B) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1854) is amended—

(1) by striking ''subsection (y)—'' and all that follows through ''the following:'' and inserting ''subsection (y), by amending paragraph (4) to read as follows:''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of January 1, 2012.

Subtitle C—Matters Relating to Small Business Concerns

PART I —PROCUREMENT CENTER REPRESENTATIVES

SEC. 1621. PROCUREMENT CENTER REPRESENTATIVES.

(a) IN GENERAL.—Section 15(l) of the Small Business Act (15 U.S.C. 644(l)) is amended by striking the subsection enumerator and inserting the following:

''(l) PROCUREMENT CENTER REPRESENTATIVES.—''.

(b) ASSIGNMENT AND ROLE.—Paragraph (1) of section 15(l) of such Act (15 U.S.C. 644(l)) is amended to read as follows:

''(1) ASSIGNMENT AND ROLE.—The Administrator shall assign to each major procurement center a procurement center representative with such assistance as may be appropriate.''.

(c) ACTIVITIES.—Section 15(l)(2) of such Act (15 U.S.C. 644(l)(2)) is amended—

(1) in the matter preceding subparagraph (A) by striking ''(2) In addition to carrying out the responsibilities assigned by the Administration, a breakout'' and inserting the following:

''(2) ACTIVITIES.—A'';

(2) by striking subparagraph (A) and inserting the following:

''(A) attend any provisioning conference or similar evaluation session during which a determination may be made with respect to the procurement method to be used to satisfy a requirement, review any acquisition plan with respect to a requirement, and make recommendations regarding procurement method determinations and acquisition plans;'';

(3) in subparagraph (B)—

(A) by striking ''(B) review, at any time, restrictions on competition'' and inserting the following:

''(B) review, at any time, barriers to small business participation in Federal contracting'';

(B) by striking ''items'' and inserting ''goods and services''; and

(C) by striking ''limitations'' and inserting ''barriers'';

(4) in subparagraph (C) by striking ''(C) review restrictions on competition'' and inserting the following:

''(C) review barriers to small business participation in Federal contracting'';

(5) by striking subparagraph (D) and inserting the following:

''(D) review any bundled or consolidated solicitation or contract in accordance with this Act;'';

(6) by striking subparagraph (E) and inserting the following:

''(E) have electronic access to procurement records, acquisition plans developed or in development, and other data of the procurement center commensurate with the level of such representative's approve security clearance classification;''; and

(7) by striking subparagraphs (F) and (G) and inserting the following:

''(F) receive, from personnel responsible for reviewing unsolicited proposals, copies of unsolicited proposals from small business concerns and any information on outcomes relating to such proposals;

''(G) participate in any session or planning process and review any documents with respect to a decision to convert an activity performed by a small business concern to an activity performed by a Federal employee;

''(H) be an advocate for the maximum practicable utilization of small business concerns in Federal contracting, including by advocating against the bundling of contract requirements when not justified; and

''(I) carry out any other responsibility assigned by the Administrator.''.

(d) APPEALS.—Section 15(l)(3) of such Act (15 U.S.C. 644(l)(3)) is amended by striking ''(3) A breakout procurement center representative'' and inserting the following:

''(3) APPEALS.—A procurement center representative''.

(e) NOTIFICATION AND INCLUSION.—Paragraph (4) of section 15(l) of such Act (15 U.S.C. 644(l)) is amended to read as follows:

''(4) NOTIFICATION AND INCLUSION.—Agency heads shall ensure that procurement center representatives are included in applicable acquisition planning processes.''.

(f) POSITION REQUIREMENTS.—Section 15(l)(5) of such Act (15 U.S.C. 644(l)(5)) is amended—

(1) by striking the paragraph enumerator and inserting the following:

''(5) POSITION REQUIREMENTS.—'';

(2) by striking subparagraphs (A) and (B) and inserting the following:

''(A) IN GENERAL.—A procurement center representative assigned under this subsection shall—

''(i) be a full-time employee of the Administration;

''(ii) be fully qualified, technically trained, and familiar with the goods and services procured by the major procurement center to which that representative is assigned; and

''(iii) have a Level III Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification, except that any person serving in such a position on the date of enactment of this clause may continue to serve in that position for a period of 5 years without the required certification.''; and

(3) in subparagraph (C) by striking ''(C) The Administration shall establish personnel positions for breakout procurement representatives and advisers assigned pursuant to'' and inserting the following:

''(B) COMPENSATION.—The Administrator shall establish personnel positions for procurement center representatives assigned under''.

(g) MAJOR PROCUREMENT CENTER DEFINED.—Section 15(l)(6) of such Act (15 U.S.C. 644(l)(6)) is amended—

(1) by striking ''(6) For purposes'' and inserting the following:

''(6) MAJOR PROCUREMENT CENTER DEFINED.—For purposes''; and

(2) by striking ''other than commercial items and which has the potential to incur significant savings as the result of the placement of a breakout procurement center representative'' and inserting ''goods or services, including goods or services that are commercially available''.

(h) TRAINING.—Section 15(l)(7) of such Act (15 U.S.C. 644(l)(7)) is amended—

(1) by striking the paragraph enumerator and inserting the following:

''(7) TRAINING.—'';

(2) by striking subparagraph (A) and inserting the following:

''(A) AUTHORIZATION.—At such times as the Administrator deems appropriate, a procurement center representative shall provide training for contracting officers, other appropriate personnel of the procurement center to which such representative is assigned, and small businesses groups seeking to do business with such procurement center. Such training shall acquaint the participants with the provisions of this subsection and shall instruct the participants in methods designed to further the purposes of this subsection.

''(B) LIMITATION.—A procurement center representative may provide training under subparagraph (A) only to the extent that the training does not interfere with the representative carrying out other activities under this subsection.''; and

(3) in subparagraph (B)—

(A) by striking ''(B) The breakout procurement center representative'' and inserting the following:

''(8) ANNUAL BRIEFING AND REPORT.—A procurement center representative''; and

(B) by striking ''sixty'' and inserting ''60''.

SEC. 1622. SMALL BUSINESS ACT CONTRACTING REQUIREMENTS TRAINING.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this part, the Defense Acquisition University and the Federal Acquisition Institute shall each provide a course on contracting requirements under the Small Business Act, including the requirements for small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

(b) COURSE REQUIRED.—To have a Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification an individual shall be required to complete the course established under subsection (a).

(c) REQUIREMENT THAT BUSINESS OPPORTUNITY SPECIALISTS BE CERTIFIED.—Section 7(j)(10)(D)(i) of the Small Business Act (15 U.S.C. 636(j)(10)(D)(i)) is amended by inserting after ''to assist such Program Participant.'' the following: ''The Business Opportunity Specialist shall have a Level I Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense

certification, except that a Business Opportunity Specialist serving at the time of the date of enactment of the Small Business Opportunity Act of 2012 may continue to serve as a Business Opportunity Specialist for a period of 5 years beginning on that date of enactment without such a certification.''.

(d) GAO REPORT.—Not later than 365 days after the date of enactment of this part, the Comptroller General of the United States shall conduct a study and submit a report to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate on the relationship between the size and quality of the acquisition workforce and the Federal government's ability to maximize the utilization of small businesses in Federal procurement. The report shall specifically address the following:

(1) The extent to which training on small business contracting laws affects a contracting officer's determination to use one of the contracting authorities provided in the Small Business Act.

(2) The relationship between a robust Federal acquisition workforce and small business success in obtaining Federal contracting opportunities.

(3) The effect on economic growth if small businesses experienced a significant reduction in small business procurement activities.

(4) The effect of the anticipated acceleration of retirements by the acquisition workforce on small business procurement opportunities.

SEC. 1623. ACQUISITION PLANNING.

Section 15(e)(1) of the Small Business Act (15 U.S.C. 644(e)(1)) is amended—

(1) by striking ''the various agencies'' and inserting ''a Federal department or agency''; and

(2) by striking the period and inserting ''and each such Federal department or agency shall—

''(A) enumerate opportunities for the participation of small business concerns during all acquisition planning processes and in all acquisition plans;

''(B) invite the participation of the appropriate Director of Small and Disadvantaged Business Utilization in all acquisition planning processes and provide that Director access to all acquisition plans in development; and

''(C) invite the participation of the appropriate procurement center representative in all acquisition planning processes and provide that representative access to all acquisition plans in development.''.

PART II—GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS

SEC. 1631. GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by striking the subsection enumerator and inserting the following:

''(g) GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS.—''.

(b) GOVERNMENTWIDE GOALS.—Paragraph (1) of section 15(g) of such Act (15 U.S.C. 644(g)) is amended to read as follows:

''(1) GOVERNMENTWIDE GOALS.—The President shall annually establish Governmentwide goals for procurement contracts awarded to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women in accordance with the following:

''(A) The Governmentwide goal for participation by small business concerns shall be established at not less than 25 percent of the total value of all prime contract awards for each fiscal year and 40 percent of the total value of all subcontract awards for each fiscal year.

''(B) The Governmentwide goal for participation by small business concerns owned and controlled by service-disabled veterans shall be established at not less than 3 percent of the total value of all prime contract and at not less than 3 percent of the total value of all subcontract awards for each fiscal year.

''(C) The Governmentwide goal for participation by qualified HUBZone small business concerns shall be established at not less than 3 percent of the total value of all prime contract and at not less than 3 percent of the total value of all subcontract awards for each fiscal year.

''(D) The Governmentwide goal for participation by small business concerns owned and controlled by socially and economically disadvantaged individuals shall be established at not less than 5 percent of the total value of all prime contract and at not less than 5 percent of the total value of all subcontract awards for each fiscal year.

''(E) The Governmentwide goal for participation by small business concerns owned and controlled by women shall be established at not less than 5 percent of the total value of all prime contract and at not less than 5 percent of the total value of all subcontract awards for each fiscal year.''.

(c) AGENCY GOALS.—Paragraph (2) of section 15(g) of such Act (15 U.S.C. 644(g)) is amended to read as follows:

''(2) AGENCY GOALS.—

''(A) ESTABLISHMENT.—The head of each Federal agency shall annually establish, for the agency that individual heads, goals for procurement contracts awarded to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

''(B) RELATIONSHIP TO GOVERNMENTWIDE GOALS.—

''(i) SCOPE.—The goals established by the head of a Federal agency under subparagraph (A) shall be in the same format as the goals established by the President under paragraph (1) and shall address both prime contract and subcontract awards.

''(ii) REQUIREMENT PERTAINING TO AGENCY GOALS.—With respect to each goal for a fiscal year established under subparagraph (A) for a category of small business concern, the participation percentage applicable to such goal may not be less than the participation percentage applicable to the Governmentwide goal for such fiscal year established under paragraph (1) for such category.

''(C) CONSULTATION REQUIRED.—

''(i) IN GENERAL.—.In establishing goals under subparagraph (A), the head of each Federal agency shall consult with the Administrator.

''(ii) DISAGREEMENTS.—Except as provided by clause (iii), if the Administrator and the head of a Federal agency fail to agree on a goal established under subparagraph (A), the disagreement shall be submitted to the Administrator for Federal Procurement Policy for final determination.

''(iii) AGENCY GOALS OF THE DEPARTMENT OF DEFENSE.—In the case of a goal proposed by the Secretary of Defense that is lower than a goal established during the preceding fiscal year for the Department of the Defense and for which the Administrator does not agree, the disagreement shall be submitted to the Administrator for Federal Procurement Policy for final determination.

''(D) PLAN FOR ACHIEVING GOALS.—After establishing goals under subparagraph (A) for a fiscal year, the head of each Federal agency shall develop a plan for achieving such goals, which shall apportion responsibilities among the agency's acquisition executives and officials.

''(E) EXPANDED PARTICIPATION.—In establishing goals under subparagraph (A), the head of each Federal agency shall make a consistent effort to annually expand participation by small business concerns from each industry category in procurement contracts of such agency, including participation by small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

''(F) CONSIDERATION.—The head of each Federal agency, in attempting to attain expanded participation under subparagraph (E), shall consider—

''(i) contracts awarded as the result of unrestricted competition; and

''(ii) contracts awarded after competition restricted to eligible small business concerns under this section and under the program established under section 8(a).

''(G) COMMUNICATION REGARDING GOALS.—

''(i) IMPORTANCE OF ACHIEVING GOALS.—Each procurement employee or program manager described in clause (ii) shall communicate to the subordinates of the procurement employee or program manager the importance of achieving goals established under subparagraph (A).

''(ii) PROCUREMENT EMPLOYEES OR PROGRAM MANAGERS DESCRIBED.—A procurement employee or program manager described in this clause is a senior procurement executive, senior program manager, or Director of Small and Disadvantaged Business Utilization of a Federal agency having contracting authority.''.

(d) ENFORCEMENT; DETERMINATIONS OF THE TOTAL VALUE OF CONTRACT AWARDS.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)), as amended by this part, is further amended by adding at the end the following:

''(3) ENFORCEMENT.—If the Administrator does not issue the report required in subsection (h)(2) on or before the date that is 120 days after the end of the prior fiscal year, the Administrator may not carry out or establish any pilot program until the date on which the Administrator issues the report.

''(4) DETERMINATIONS OF THE TOTAL VALUE OF CONTRACT AWARDS.—For purposes of the goals established under paragraphs (1) and (2), the total value of contract awards for a fiscal year may not be determined in a manner that excludes the value of a contract based on—

''(A) where the contract is awarded;

''(B) where the contract is performed;

''(C) whether the contract is mandated by Federal law to be performed by an entity other than a small business concern;

''(D) whether funding for the contract is made available in an appropriations Act, if the contract is subject to competitive procedures under chapter 33 of title 41, United States Code; or

''(E) whether the contract is subject to the Federal Acquisition Regulation.''.

SEC. 1632. REPORTING ON GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS.

Subsection (h) of section 15 of the Small Business Act (15 U.S.C. 644) is amended to read as follows:

''(h) REPORTING ON GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS.—

''(1) AGENCY REPORTS.—At the conclusion of each fiscal year, the head of each Federal agency shall submit to the Administrator a report describing—

''(A) the extent of the participation by small business concerns, small business concerns owned and controlled by veterans (including service-disabled veterans), qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women in the procurement contracts of such agency during such fiscal year;

''(B) whether the agency achieved the goals established for the agency under subsection (g)(2)(A) with respect to such fiscal year; and

''(C) any justifications for a failure to achieve such goals.

''(2) REPORTS BY ADMINISTRATOR.—Not later than 60 days after receiving a report from each Federal agency under paragraph (1) with respect to a fiscal year, the Administrator shall submit to the President and Congress, and to make available on a public website, a report that includes—

''(A) a copy of each report submitted to the Administrator under paragraph (1);

''(B) a determination of whether each goal established by the President under subsection (g)(1) for such fiscal year was achieved;

''(C) a determination of whether each goal established by the head of a Federal agency under subsection (g)(2)(A) for such fiscal year was achieved;

''(D) the reasons for any failure to achieve a goal established under paragraph (1) or (2)(A) of subsection (g) for such fiscal year and a description of actions planned by the applicable agency to address such failure, including the Administrator's comments and recommendations on the proposed remediation plan;

''(E) for the Federal Government and each Federal agency, an analysis of the number and dollar amount of prime contracts awarded during such fiscal year to—

''(i) small business concerns—

''(I) in the aggregate;

''(II) through sole source contracts;

''(III) through competitions restricted to small business concerns; and

''(IV) through unrestricted competition;

''(ii) small business concerns owned and controlled by service-disabled veterans—

''(I) in the aggregate;

''(II) through sole source contracts;

''(III) through competitions restricted to small business concerns;

''(IV) through competitions restricted to small business concerns owned and controlled by service-disabled veterans; and

''(V) through unrestricted competition;

''(iii) qualified HUBZone small business concerns—

''(I) in the aggregate;

''(II) through sole source contracts;

''(III) through competitions restricted to small business concerns;

''(IV) through competitions restricted to qualified HUBZone small business concerns;

''(V) through unrestricted competition where a price evaluation preference was used; and

''(VI) through unrestricted competition where a price evaluation preference was not used;

''(iv) small business concerns owned and controlled by socially and economically disadvantaged individuals—

''(I) in the aggregate;

''(II) through sole source contracts;

''(III) through competitions restricted to small business concerns;

''(IV) through competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals;

''(V) through unrestricted competition; and

''(VI) by reason of that concern's certification as a small business owned and controlled by socially and economically disadvantaged individuals;

''(v) small business concerns owned by an Indian tribe other than an Alaska Native Corporation—

''(I) in the aggregate;

''(II) through sole source contracts;

''(III) through competitions restricted to small business concerns;

''(IV) through competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals; and

''(V) through unrestricted competition; and

''(vi) small business concerns owned by Native Hawaiian Organization—

''(I) in the aggregate;

''(II) through sole source contracts;

''(III) through competitions restricted to small business concerns;

''(IV) through competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals; and

''(V) through unrestricted competition; and

''(vii) small business concerns owned by an Alaska Native Corporation—

''(I) in the aggregate;

''(II) through sole source contracts;

''(III) through competitions restricted to small business concerns;

''(IV) through competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals; and

''(V) through unrestricted competition; and

''(viii) small business concerns owned and controlled by women—

''(I) in the aggregate;

''(II) through competitions restricted to small business concerns;

''(III) through competitions restricted using the authority under section 8(m)(2);

''(IV) through competitions restricted using the authority under section 8(m)(2) and in which the waiver authority under section 8(m)(3) was used; and

''(V) through unrestricted competition; and

''(F) for the Federal Government and each Federal agency, the number, dollar amount, and distribution with respect to the North American Industry Classification System of subcontracts awarded during such fiscal year to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.''.

SEC. 1633. SENIOR EXECUTIVES.

(a) TRAINING.—Programs established for the development of senior executives under section 3396(a) of title 5, United States Code, shall include training with respect to Federal procurement requirements, including contracting requirements under the Small Business Act (15 U.S.C. 631 et seq.).

(b) EVALUATION OF EXECUTIVES.—The head of an agency shall ensure that evaluations of members of the senior executive service, as defined under section 3396(a) of title 5, United States Code, responsible for acquisition, other senior officials responsible for acquisition, and other members of the senior executive service, as appropriate, include consideration of the agency's success in achieving small business contracting goals and percentages. Such evaluations shall, as a minimum, consider the extent to which the executive—

(1) promotes a climate or environment that is responsive to small business concerns;

(2) communicates the importance of achieving the agency's small business contracting goals; and

(3) encourages small business awareness, outreach, and support.

(c) DEFINITIONS.—In this section the term ''responsible for acquisition'', with respect to a member of the senior executive service or other senior official, means such a member or official who acquires services or supplies, directs agency organizations to acquire services or supplies, oversees acquisition officials, including program managers, contracting officers, and other acquisition workforce personnel responsible for formulating and approving acquisition strategies and plans.

PART III —MENTOR-PROTEGE PROGRAM

SEC. 1641. MENTOR-PROTEGE PROGRAMS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 45 as section 46; and

(2) by inserting after section 44 the following:

''SEC. 45. MENTOR-PROTEGE PROGRAMS.

''(a) ADMINISTRATION PROGRAM.—

''(1) AUTHORITY.—The Administrator is authorized to establish a mentor-protege program for all small business concerns.

''(2) MODEL FOR PROGRAM.—The mentor-protege program established under paragraph (1) shall be identical to the mentor-protege program of the Administration for small business concerns that participate in the program under section 8(a) of this Act (as in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2013), except that the Administrator may modify the program to the extent necessary given the types of small business concerns included as proteges.

''(b) PROGRAMS OF OTHER AGENCIES.—

''(1) APPROVAL REQUIRED.—Except as provided in paragraph (4), a Federal department or agency may not carry out a mentor-protege program for small business concerns unless—

''(A) the head of the department or agency submits a plan to the Administrator for the program; and

''(B) the Administrator approves such plan.

''(2) BASIS FOR APPROVAL.—The Administrator shall approve or disapprove a plan submitted under paragraph (1) based on whether the program proposed—

''(A) will assist proteges to compete for Federal prime contracts and subcontracts; and

''(B) complies with the regulations issued under paragraph (3).

''(3) REGULATIONS.—Not later than 270 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2013, the Administrator shall issue, subject to notice and comment, regulations with respect to mentor-protege programs, which shall ensure that such programs improve the ability of proteges to compete for Federal prime contracts and subcontracts and which shall address, at a minimum, the following:

''(A) Eligibility criteria for program participants, including any restrictions on the number of mentor-protege relationships permitted for each participant.

''(B) The types of developmental assistance to be provided by mentors, including how the assistance provided shall improve the competitive viability of the proteges.

''(C) Whether any developmental assistance provided by a mentor may affect the status of a program participant as a small business concern due to affiliation.

''(D) The length of mentor-protege relationships.

''(E) The effect of mentor-protege relationships on contracting.

''(F) Benefits that may accrue to a mentor as a result of program participation.

''(G) Reporting requirements during program participation.

''(H) Postparticipation reporting requirements.

''(I) The need for a mentor-protege pair, if accepted to participate as a pair in a mentor-protege program of any Federal department or agency, to be accepted to participate as a pair in all Federal mentor-protege programs.

''(J) Actions to be taken to ensure benefits for proteges and to protect proteges against actions by the mentor that—

''(i) may adversely affect the proteges status as a small business; or

''(ii) provide disproportionate economic benefits to the mentor relative to those provided the protege.

''(4) LIMITATION ON APPLICABILITY.—Paragraph (1) does not apply to the following:

''(A) Any mentor-protege program of the Department of Defense.

''(B) Any mentoring assistance provided under a Small Business Innovation Research Program or a Small Business Technology Transfer Program.

''(C) Until the date that is 1 year after the date on which the Administrator issues regulations under paragraph (3), any Federal department or agency operating a mentor-protege program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2013.

''(c) REPORTING.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2013, and annually thereafter, the Administrator shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report that—

''(A) identifies each Federal mentor-protege program;

''(B) specifies the number of participants in each such program, including the number of participants that are—

''(i) small business concerns;

''(ii) small business concerns owned and controlled by service-disabled veterans;

''(iii) qualified HUBZone small business concerns;

''(iv) small business concerns owned and controlled by socially and economically disadvantaged individuals; or

''(v) small business concerns owned and controlled by women;

''(C) describes the type of assistance provided to proteges under each such program;

''(D) describes the benefits provided to mentors under each such program; and

''(E) describes the progress of proteges under each such program with respect to competing for Federal prime contracts and subcontracts.

''(2) PROVISION OF INFORMATION.—The head of each Federal department or agency carrying out a mentor-protege program shall provide to the Administrator, on an annual basis, the information necessary for the Administrator to submit a report required under paragraph (1).

''(d) DEFINITIONS.—In this section, the following definitions apply:

''(1) MENTOR.—The term 'mentor' means a for-profit business concern, of any size, that—

''(A) has the ability to assist and commits to assisting a protege to compete for Federal prime contracts and subcontracts; and

''(B) satisfies any other requirements imposed by the Administrator.

''(2) MENTOR-PROTEGE PROGRAM.—The term 'mentor-protege program' means a program that pairs a mentor with a protege for the purpose of assisting the protege to compete for Federal prime contracts and subcontracts.

''(3) PROTEGE.—The term 'protege' means a small business concern that—

''(A) is eligible to enter into Federal prime contracts and subcontracts; and

''(B) satisfies any other requirements imposed by the Administrator.

''(e) CURRENT MENTOR PROTEGE AGREEMENTS.—Mentors and proteges with approved agreement in a program operating pursuant to subsection (b)(4)(C) shall be permitted to continue their relationship according to the terms specified in their agreement until the expiration date specified in the agreement.

''(f) SUBMISSION OF AGENCY PLANS.—Agencies operating mentor protege programs pursuant to subsection (b)(4)(C) must submit the plans specified in subsection (b)(1)(A) to the Administrator within 6 months of the promulgation of rules required by subsection (b)(3). The Administrator shall provide initial comments on each plan within 60 days of receipt, and final approval or denial of each plan with 180 days of receipt.''.

SEC. 1642. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

Not later than the date that is 2 years after the agencies operating subject to section 45(b)(4)(C) of the Small Business Act have their plans approved or denied by the Administrator, the Comptroller General of the United States shall conduct a study to—

(1) update the study required by section 1345 of the Small Business Jobs Act of 2010 (Pub. Law 111-240);

(2) examine whether potential affiliation issues between mentors and proteges under the prior programs have been resolved by enactment of this Act; and

(3) examine whether the regulations issued pursuant to section 45(b)(3)(I) of the Small Business Act have increased opportunities for mentor-protege pairs, and if they have decreased the paperwork required for such pairs participating in programs at multiple agencies.

PART IV —TRANSPARENCY IN SUBCONTRACTING

Subpart A—Limitations on Subcontracting

SEC. 1651. LIMITATIONS ON SUBCONTRACTING.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 45 as section 47; and

(2) by inserting after section 44 the following:

''SEC. 45. LIMITATIONS ON SUBCONTRACTING.

''(a) IN GENERAL.—If awarded a contract under section 8(a), 8(m), 15(a), 31, or 36, a covered small business concern—

''(1) in the case of a contract for services, may not expend on subcontractors more than 50 percent of the amount paid to the concern under the contract;

''(2) in the case of a contract for supplies (other than from a regular dealer in such supplies), may not expend on subcontractors more than 50 percent of the amount, less the cost of materials, paid to the concern under the contract;

''(3) in the case of a contract described in more than 1 of paragraphs (1) through (2)—

''(A) shall determine for which category of services or supplies, described in 1 of paragraphs (1) through (4), the greatest percentage of the contract amount is awarded;

''(B) shall determine the amount awarded under the contract for that category of services or supplies; and

''(C) may not expend on subcontractors, with respect to the amount determined under subparagraph (B), more than—

''(i) 50 percent of that amount, if the category of services or supplies applicable under subparagraph (A) is described in paragraph (1); and

''(ii) 50 percent of that amount, if the category of services or supplies applicable under subparagraph (A) is described in paragraph (2); and

''(4) in the case of a contract for supplies from a regular dealer in such supplies, shall supply the product of a domestic small business manufacturer or processor, unless a waiver of such requirement is granted—

''(A) by the Administrator, after reviewing a determination by the applicable contracting officer that no small business manufacturer or processor can reasonably be expected to offer a product meeting the specifications (including period for performance) required by the contract; or

''(B) by the Administrator for a product (or class of products), after determining that no small business manufacturer or processor is available to participate in the Federal procurement market.

''(b) SIMILARLY SITUATED ENTITIES.—Contract amounts expended by a covered small business concern on a subcontractor that is a similarly situated entity shall not be considered subcontracted for purposes of determining whether the covered small business concern has violated a requirement established under subsection (a) or (d).

''(c) MODIFICATIONS OF PERCENTAGES.—

''(1) IN GENERAL.—The Administrator may change, by rule (after providing notice and an opportunity for public comment), a percentage specified in paragraphs (1) through (4) of subsection (a) if the Administrator determines that such change is necessary to reflect conventional industry practices among business concerns that are below the numerical size standard for businesses in that industry category.

''(2) UNIFORMITY.—A change to a percentage under paragraph (1) shall apply to all covered small business concerns.

''(d) OTHER CONTRACTS.—

''(1) IN GENERAL.—With respect to a category of contracts to which a requirement under subsection (a) does not apply, the Administrator is authorized to establish, by rule (after providing notice and an opportunity for public comment), a requirement that a covered small business concern may not expend on subcontractors more than a specified percentage of the amount paid to the concern under a contract in that category.

''(2) UNIFORMITY.—A requirement established under paragraph (1) shall apply to all covered small business concerns.

''(3) CONSTRUCTION PROJECTS.—The Administrator shall establish, through public rulemaking, requirements similar to those specified in paragraph (1) to be applicable to contracts for general and specialty construction and to contracts for any other industry category not otherwise subject to the requirements of such paragraph. The percentage applicable to any such requirement shall be determined in accordance with paragraph (2).

''(e) DEFINITIONS.—In this section, the following definitions apply:

''(1) COVERED SMALL BUSINESS CONCERN.—The term 'covered small business concern' means a business concern that—

''(A) with respect to a contract awarded under section 8(a), is a small business concern eligible to receive contracts under that section;

''(B) with respect to a contract awarded under section 8(m)—

''(i) is a small business concern owned and controlled by women (as defined in that section); or

''(ii) is a small business concern owned and controlled by women (as defined in that section) that is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law);

''(C) with respect to a contract awarded under section 15(a), is a small business concern;

''(D) with respect to a contract awarded under section 31, is a qualified HUBZone small business concern; or

''(E) with respect to a contract awarded under section 36, is a small business concern owned and controlled by service-disabled veterans.

''(2) SIMILARLY SITUATED ENTITY.—The term 'similarly situated entity' means a subcontractor that—

''(A) if a subcontractor for a small business concern, is a small business concern;

''(B) if a subcontractor for a small business concern eligible to receive contracts under section 8(a), is such a concern;

''(C) if a subcontractor for a small business concern owned and controlled by women (as defined in section 8(m)), is such a concern;

''(D) if a subcontractor for a small business concern owned and controlled by women (as defined in section 8(m)) that is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law), is such a concern;

''(E) if a subcontractor for a qualified HUBZone small business concern, is such a concern; or

''(F) if a subcontractor for a small business concern owned and controlled by service-disabled veterans, is such a concern.''.

SEC. 1652. PENALTIES.

Section 16 of the Small Business Act (15 U.S.C. 645) is amended by adding at the end the following:

''(g) SUBCONTRACTING LIMITATIONS.—

''(1) IN GENERAL.—Whoever violates a requirement established under section 45 shall be subject to the penalties prescribed in subsection (d), except that, for an entity that exceeded a limitation on subcontracting under such section, the

fine described in subsection (d)(2)(A) shall be treated as the greater of—

''(A) $500,000; or

''(B) the dollar amount expended, in excess of permitted levels, by the entity on subcontractors.

''(2) MONITORING.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall take such actions as are necessary to ensure that an existing Federal subcontracting reporting system is modified to notify the Administrator, the appropriate Director of the Office of Small and Disadvantaged Business Utilization, and the appropriate contracting officer if a requirement established under section 45 is violated.''.

SEC. 1653. CONFORMING AMENDMENTS.

(a) HUBZONES.—Section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) is amended—

(1) in subparagraph (A)(i) by striking subclause (III) and inserting the following:

''(III) with respect to any subcontract entered into by the small business concern pursuant to a contract awarded to the small business concern under section 31, the small business concern will ensure that the requirements of section 45 are satisfied; and'';

(2) by striking subparagraphs (B) and (C); and

(3) by redesignating subparagraph (D) as subparagraph (B).

(b) ENTITIES ELIGIBLE FOR CONTRACTS UNDER SECTION 8(a).—Section 8(a) of such Act (15 U.S.C. 637(a)) is amended by striking paragraph (14) and inserting the following:

''(14) LIMITATIONS ON SUBCONTRACTING.—A concern may not be awarded a contract under this subsection as a small business concern unless the concern agrees to satisfy the requirements of section 45.''.

(c) SMALL BUSINESS CONCERNS.—Section 15 of such Act (15 U.S.C. 644) is amended by striking subsection (o) and inserting the following:

''(o) LIMITATIONS ON SUBCONTRACTING.—A concern may not be awarded a contract under subsection (a) as a small business concern unless the concern agrees to satisfy the requirements of section 45.''.

SEC. 1654. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue guidance with respect to compliance with the changes made to the Small Business Act by the amendments in this part, with opportunities for notice and comment.

Subpart B—Subcontracting Plans

SEC. 1655. SUBCONTRACTING PLANS.

(a) SUBCONTRACTING REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(A) by striking ''(6) Each subcontracting plan'' and inserting the following:

''(6) SUBCONTRACTING PLAN REQUIREMENTS.—Each subcontracting plan'';

(B) by amending subparagraph (E) to read as follows:

''(E) assurances that the offeror or bidder will—

''(i) submit—

''(I) not later than 180 days after the date on which performance under the applicable contract begins, and every 180 days thereafter until contract performance ends, a report that describes all subcontracting activities under the contract during the preceding 180-day period;

''(II) not later than 1 year after the date on which performance under the applicable contract begins, and annually thereafter until contract performance ends, a report that describes all subcontracting activities under the contract that have occurred before the date on which the report is submitted; and

''(III) not later than 30 days after the date on which performance under the applicable contract ends, a report that describes all subcontracting activities under the contract; and

''(ii) cooperate with any study or survey required by the applicable Federal agency or the Administration to determine the extent of compliance by the offeror or bidder with the subcontracting plan;''; and

(C) by moving the margins for subparagraphs (A), (B), (C), (D), and (F) 2 ems to the right (so that the align with subparagraph (E), as amended by subparagraph (B) of this paragraph).

(2) REPORTING SYSTEM MODIFICATION.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this part, the Administrator of the Small Business Administration shall take such actions as are necessary to ensure that the Federal subcontracting reporting system to which covered reports are submitted is modified to notify the Administrator, the appropriate contracting officer, and the appropriate Director of Small and Disadvantaged Business Utilization if an entity fails to submit a required covered report. If the Administrator does not modify the subcontracting reporting system on or before the date that is 1 year after the date of enactment of this part, the Administrator may not carry out or establish any pilot program until the date the Administrator modifies the reporting system.

(B) COVERED REPORT DEFINED.—In this paragraph, the term ''covered report'' means a report submitted in accordance with assurances provided under section 8(d)(6)(E) of the Small Business Act (15 U.S.C. 637(d)(6)(E)).

(b) FAILURE TO SUBMIT SUBCONTRACTING REPORTS AS BREACH OF CONTRACT.—Section 8(d)(8) of such Act (15 U.S.C. 637(d)(8)) is amended—

(1) by striking ''(8) The failure'' and inserting the following:

''(8) MATERIAL BREACH.—The failure'';

(2) in subparagraph (A) by striking ''subsection, or'' and inserting ''subsection,'';

(3) in subparagraph (B) by striking ''subcontract,'' and inserting ''subcontract, or'';

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

''(C) assurances provided under paragraph (6)(E),''; and

(5) by moving the margins of subparagraphs (A), (B), and the matter following subparagraph (B) 2 ems to the right.

(c) AUTHORITY OF SMALL BUSINESS ADMINISTRATION.—Section 8(d)(10) of such Act (15 U.S.C. 637(d)(10)) is amended—

(1) by striking ''(10) In the case of'' and inserting the following:

''(10) AUTHORITY OF ADMINISTRATION.—In the case of'';

(2) in subparagraph (B) by striking '', which shall be advisory in nature,'';

(3) in subparagraph (C) by striking '', either on a contract-by-contract basis, or in the case contractors'' and inserting ''as a supplement to evaluations performed by the contracting agency, either on a contract-by-contract basis or, in the case of contractors''; and

(4) by moving the margins of subparagraphs (A) through (C) 2 ems to the right.

(d) APPEALS.—Section 8(d) of such Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(13) REVIEW AND ACCEPTANCE OF SUBCONTRACTING PLANS.—

''(A) IN GENERAL.—Except as provided in subparagraph (E), if a procurement center representative or commercial market representative determines that a subcontracting plan required under paragraph (4) or (5) fails to provide the maximum practicable opportunity for covered small business concerns to participate in the performance of the contract to which the plan applies, such representative may delay acceptance of the plan in accordance with subparagraph (B).

''(B) PROCESS.—

''(i) IN GENERAL.—Except as provided in clause (ii), a procurement center representative or commercial market representative who makes the determination under subparagraph (A) with respect to a subcontracting plan may delay acceptance of the plan for a 30-day period by providing written notice of such determination to head of the procuring activity of the contracting agency. Such notice shall include recommendations for altering the plan to provide the maximum practicable opportunity described in that subparagraph.

''(ii) EXCEPTION.—In the case of the Department of Defense, a procurement center representative or commercial market representative who makes the determination under subparagraph (A) with respect to a subcontracting plan may delay acceptance of the plan for a 15-day period by providing written notice of such determination to appropriate personnel of the Department of Defense. Such notice shall include recommendations for altering the plan to provide the maximum practicable opportunity described in that subparagraph. The authority of a procurement center representative or commercial market representative to delay acceptance of a subcontracting plan as provided in subparagraph (A), does not include the authority to delay the award or performance of the contract concerned.

''(C) DISAGREEMENTS.—If a procurement center representative or commercial market representative delays the acceptance of a subcontracting plan under subparagraph (B) and does not reach agreement with head of the procuring activity of the contracting agency to alter the plan to provide the maximum practicable opportunity described in subparagraph (A) not later than 30 days from the date written notice was provided, the disagreement shall be submitted to the head of the contracting agency by the Administrator for a final determination.

''(D) COVERED SMALL BUSINESS CONCERNS DEFINED.—In this paragraph, the term 'covered small business concerns' means small business concerns, qualified HUBZone small business concerns, small business concerns owned and controlled by veterans, small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

''(E) EXCEPTION.—The procurement center representative or commercial market representative may not delay the acceptance of a subcontracting plan if the appropriate personnel of the contracting agency certify that the agency's need for the property or services is of such an unusual and compelling urgency that the United States would be seriously injured unless the agency is permitted to accept the subcontracting plan.''.

SEC. 1656. NOTICES OF SUBCONTRACTING OPPORTUNITIES.

Section 8(k)(1) of the Small Business Act (15 U.S.C. 637(k)(1)) is amended by striking ''in the Commerce Business Daily'' and inserting ''on the appropriate Federal Web site (as determined by the Administrator)''.

SEC. 1657. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue guidance with respect to the changes made to the Small Business Act, with opportunity for notice and comment.

Subpart C—Publication of Certain Documents

SEC. 1658. PUBLICATION OF CERTAIN DOCUMENTS.

The Small Business Act (15 U.S.C. 631 et seq.), as amended by this part, is further amended by inserting after section 45 the following:

''SEC. 46. PUBLICATION OF CERTAIN DOCUMENTS.

''A Federal agency, other than the Department of Defense, may only convert a function that is being performed by a small business concern to performance by a Federal employee if the agency has made publicly available the procedures and methodologies of the agency with respect to decisions to convert a function being

performed by a small business concern to performance by a Federal employee, including procedures and methodologies for determining which contracts will be studied for potential conversion; procedures and methodologies by which a contract is evaluated as inherently governmental or as a critical agency function; and procedures and methodologies for estimating and comparing costs.''.

PART V —SMALL BUSINESS CONCERN SIZE STANDARDS

SEC. 1661. SMALL BUSINESS CONCERN SIZE STANDARDS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended—

(1) by striking ''SEC. 3.'' and inserting the following:

''SEC. 3. DEFINITIONS.''; and

(2) in subsection (a)—

(A) by striking the subsection enumerator and inserting the following:

''(a) SMALL BUSINESS CONCERNS.—'';

(B) in paragraph (1) by striking ''(1) For the purposes'' and inserting the following:

''(1) IN GENERAL.—For the purposes'';

(C) in paragraph (3) by striking ''(3) When establishing'' and inserting the following:

''(3) VARIATION BY INDUSTRY AND CONSIDERATION OF OTHER FACTORS.—When establishing'';

(D) by moving paragraph (5), including each subparagraph and clause therein, 2 ems to the right; and

(E) by adding at the end the following:

''(6) PROPOSED RULE MAKING.—In conducting rulemaking to revise, modify or establish size standards pursuant to this section, the Administrator shall consider, and address, and make publicly available as part of the notice of proposed rule making and notice of final rule each of the following:

''(A) a detailed description of the industry for which the new size standard is proposed;

''(B) an analysis of the competitive environment for that industry;

''(C) the approach the Administrator used to develop the proposed standard including the source of all data used to develop the proposed rulemaking; and

''(D) the anticipated effect of the proposed rulemaking on the industry, including the number of concerns not currently considered small that would be considered small under the proposed rulemaking and the number of concerns currently considered small that would be deemed other than small under the proposed rulemaking.

''(7) COMMON SIZE STANDARDS.—In carrying out this subsection, the Administrator may establish or approve a single size standard for a grouping of four digit North American Industrial Classification codes only if the Administrator makes publicly available, not later than the date on which such size standard is established or approved, a justification demonstrating that such size standard is appropriate for each individual industry classification included in the grouping.

''(8) NUMBER OF SIZE STANDARDS.—The Administrator shall not limit the number of size standards it creates pursuant to paragraph (2), and shall assign the appropriate size standard to each North American Industrial Classification System Code''.

PART VI —CONTRACT BUNDLING

SEC. 1671. CONSOLIDATION OF PROVISIONS RELATING TO CONTRACT BUNDLING.

Section 44 of the Small Business Act (15 U.S.C. 657q) is amended to read as follows:

''SEC. 44. CONTRACT BUNDLING.

''(a) DEFINITIONS.—In this Act:

''(1) BUNDLED CONTRACT.—The term 'bundled contract'—

''(A) means a contract that is entered into to meet procurement requirements that are combined in a bundling of contract requirements, without regard to whether a study of the effects of the solicitation on Federal officers or employees has been made; and

''(B) does not include—

''(i) a contract with an aggregate dollar value below the dollar threshold; or

''(ii) a single award contract for the acquisition of a weapons system acquired through a major defense acquisition.

''(2) BUNDLING METHODOLOGY.—The term 'bundling methodology' means—

''(A) a solicitation to obtain offers for a single contract or a multiple award contract;

''(B) a solicitation of offers for the issuance of a task or a delivery order under an existing single or multiple award contract; or

''(C) the creation of any new procurement requirements that permits a combination of contract requirements, including any combination of contract requirements or order requirements.

''(3) BUNDLING OF CONTRACT REQUIREMENTS.—The term 'bundling of contract requirements', with respect to the contract requirements of a Federal agency—

''(A) means the use of any bundling methodology to satisfy 2 or more procurement requirements for new or existing goods or services provided to or performed for the Federal agency, including any construction services, that is likely to be unsuitable for award to a small-business concern due to—

''(i) the diversity, size, or specialized nature of the elements of the performance specified;

''(ii) the aggregate dollar value of the anticipated award;

''(iii) the geographical dispersion of the contract performance sites; or

''(iv) any combination of the factors described in clauses (i), (ii), and (iii); and

''(B) does not include the use of a bundling methodology for an anticipated award with an aggregate dollar value below the dollar threshold.

''(4) CHIEF ACQUISITION OFFICER.—The term 'Chief Acquisition Officer' means the employee of a Federal agency designated as the Chief Acquisition Officer for the Federal agency under section 1702(a) of title 41, United States Code.

''(5) CONTRACT.—The term 'contract' includes, for purposes of this section, any task order made pursuant to an indefinite quantity, indefinite delivery contract.

''(6) CONTRACT BUNDLING.—The term 'contract bundling' means the process by which a bundled contract is created.

''(7) DOLLAR THRESHOLD.—The term 'dollar threshold' means—

''(A) in the case of a contract for construction, $5,000,000; and

''(B) in any other case, $2,000,000.

''(8) MAJOR DEFENSE ACQUISITION PROGRAM.—The term 'major defense acquisition program' has the meaning given in section 2430(a) of title 10, United States Code.

''(9) PREVIOUSLY BUNDLED CONTRACT.—The term 'previously bundled contract' means a contract that is the successor to a contract that required a bundling analysis, contract for which any of the successor contract were designated as a consolidated contract or bundled contract in the Federal procurement database, or a contract for which the Administrator designated the prior contract as a bundled contract.

''(10) PROCUREMENT ACTIVITY.—The term 'procurement activity' means the Federal agency or office thereof acquiring goods or services.

''(11) PROCUREMENT REQUIREMENT.—The term 'procurement requirement' means a determination by an agency that the acquisition of a specified good or service is needed to satisfy the mission of the agency.

''(12) SENIOR PROCUREMENT EXECUTIVE.—The term 'senior procurement executive' means an official designated under section 1702(c) of title 41, United States Code, as the senior procurement executive for a Federal agency.

''(13) TRADE ASSOCIATION.—The term 'trade association' means any entity that is described in paragraph (3), (6), (12), or (19) of section 501(c) of the Internal Revenue Code of 1986 and which is exempt from tax under section 501(a) of such Code.

''(b) POLICY.—The head of each Federal agency shall ensure that the decisions made by the Federal agency regarding contract bundling are made with a view to providing small business concerns with the maximum practicable opportunities to participate as prime contractors and subcontractors in the procurements of the Federal agency.

''(c) CONTRACT BUNDLING.—

''(1) PROPOSED PROCUREMENTS.—Paragraphs (2) through (4) shall apply to a proposed procurement if the proposed procurement—

''(A) one or more small business concerns would suffer economic harm or disruption of its business operations, including the potential loss of an existing contract, as a direct or indirect result of the contract bundling;

''(B) includes, in its statement of work, goods or services—

''(i)(I) currently being performed by a small business; and

''(II) if the proposed procurement is in a quantity or estimated dollar value the magnitude of which renders small business prime contract participation unlikely; or

''(ii)(I) that are of a type that the Administrator through market research can demonstrate that two or more small businesses are capable of performing; and

''(II) if the statement of work proposes combining the goods or services identified in subclause (I) with other requirements for goods or services into the solicitation of offers;

''(C) is for construction and—

''(i) seeks to package or combine discrete construction projects; or

''(ii) the value of the goods or services subject to the contract exceeds the dollar threshold; or

''(D) is determined by the Administrator to have a solicitation that involves an unnecessary or unjustified bundling of contract requirements.

''(2) RESPONSIBILITY OF THE PROCUREMENT ACTIVITY.—At least 45 days prior to the issuance of a solicitation, the Procurement Activity shall notify and provide a copy of the proposed procurement to the procurement center representative assigned to the Procurement Activity. The 45-day notification process under this paragraph shall occur concurrently with other processing steps required prior to issuance of the solicitation. The notice shall include a statement as to why the agency has determined that contract bundling is necessary and justified and shall also describe why the proposed acquisition cannot be offered so as to make small business participation likely. Such statement shall address—

''(A) why the proposed acquisition cannot be further divided into reasonably small lots or discrete tasks in order to permit offers by small business concerns;

''(B) if applicable, a list of the incumbent contractors disaggregated by and including names, addresses, and whether or not the contractor is a small business concern;

''(C) a description of the industries that might be interested in bidding on the contract requirements;

''(D) an assessment of the impact on small businesses that had bid on previous procurement requirements that are included in the bundling of contract requirements;

''(E) delineating the number of existing small business concerns whose contracts will cease if the contract bundling proceeds;

''(F) if delivery schedule was a factor in the decision to bundle, an explanation as to why a schedule could not be developed that would encourage small business participation; and

''(G) in the case of a construction contract, why construction cannot be procured as separate discrete projects.

''(3) PUBLICATION OF NOTICE STATEMENT.—Concurrently, the statement required in paragraph (2) shall be published in the Federal contracting opportunities database.

''(4) RECOMPETITION OF A PREVIOUSLY BUNDLED CONTRACT.—If the proposed procurement is a previously bundled contract, that is to be recompeted as a bundled contract, the Administrator shall determine, with the assistance of the agency proposing the procurement—

''(A) the amount of savings and benefits (in accordance with subsection (d)) achieved under the bundling of contract requirements;

''(B) whether such savings and benefits will continue to be realized if the contract remains bundled, and whether such savings and benefits would be greater if the procurement requirements were divided into separate solicitations suitable for award to small business concerns;

''(C) the dollar value of subcontracts awarded to small business concerns under the bundled contract, disaggregated by North American Industrial Classification System Code;

''(D) the percentage of subcontract dollars awarded to small businesses under the bundled contract, disaggregated by North American Industrial Classification System Code; and

''(E) the dollar amount and percentage of prime contract dollars awarded to small businesses in the primary North American Industrial Classification System Code for that bundled contract during each of the two fiscal years preceding the award of the bundled contract and during each fiscal year of the performance of the bundled contract.

''(5) FAILURE TO PROVIDE NOTICE.—

''(A) NO NOTIFICATION RECEIVED.—If no notification of the proposed procurement or accompanying statement is received, but the Administrator determines that the proposed procurement is a proposed procurement described in paragraph (1), then the Administrator shall require that such a statement of work be completed by the Procurement Activity and sent to the procurement center representative and postpone the solicitation process for at least 10 days but not more than 45 days to allow the Administrator to review the statement and make recommendations as described in this section before the procurement process is continued.

''(B) NO WORK CONTINUED.—If the Administrator requires a Procurement Activity to provide a statement of work pursuant to subparagraph (A), the Procurement Activity shall not be permitted to continue with the procurement until such time as the Procurement Activity complies with the requirements of subparagraph (A).

''(6) RESPONSIBILITY OF THE PROCUREMENT CENTER REPRESENTATIVE.—Within 15 days after receipt of the proposed procurement and accompanying statement, if the procurement center representative believes that the procurement as proposed will render small business prime contract participation unlikely, the representative shall recommend to the Procurement Activity alternative procurement methods which would increase small business prime contracting opportunities.

''(7) DISAGREEMENT BETWEEN THE ADMINISTRATOR AND THE PROCUREMENT ACTIVITY.—

''(A) IN GENERAL.—If the Administrator determines that a small business concern would be adversely affected, directly or indirectly, by the proposed procurement, or if a small business concern or a trade association of which that small business concern is a member so requests, the Administrator may take action under this paragraph to further the interests of small businesses.

''(B) APPEAL TO AGENCY HEAD.—The proposed procurement shall be submitted for determination to the head of the contracting agency by the Administrator.

''(C) APPEAL BY AFFECTED SMALL BUSINESS CONCERN TO GAO.—For purposes of subchapter V of chapter 35 of title 31, United States Code, if a protest is submitted to the Comptroller General under that subchapter alleging a violation of this section of the Small Business Act, a trade association representing small business concerns shall be considered an interested party.

''(d) MARKET RESEARCH.—

''(1) IN GENERAL.—Before proceeding with an acquisition strategy that could lead to bundled contracts, the head of an agency shall conduct market research to determine whether bundling of the requirements is necessary and justified.

''(2) FACTORS.—For purposes of subsection (c)(1), a bundled contract is necessary and justified if the bundling of contract requirements will result in substantial measurable benefits in excess of those benefits resulting from a procurement of the contract requirements that does not involve contract bundling.

''(3) BENEFITS.—For the purposes of bundling of contract requirements, benefits described in paragraph (2) may include the following:

''(A) Cost savings.

''(B) Quality improvements.

''(C) Reduction in acquisition cycle times.

''(D) Better terms and conditions.

''(E) Any other benefits.

''(4) REDUCTION OF COSTS NOT DETERMINATIVE.—For purposes of this subsection:

''(A) Cost savings shall not include any reduction in the use of military interdepartmental purchase requests or any similar transfer funds among Federal agencies for the use of a contract issued by another Federal agency.

''(B) The reduction of administrative or personnel costs alone shall not be a justification for bundling of contract requirements unless the cost savings are expected to be substantial in relation to the dollar value of the procurement requirements to be bundled.

''(5) LIMITATION ON ACQUISITION STRATEGY.—The head of a Federal agency may not carry out an acquisition strategy that includes bundled contracts valued in excess of the dollar threshold, unless the senior procurement executive or, if applicable, Chief Acquisition Officer, for the Federal agency, certifies to the head of the Federal agency that steps will be taken to include small business concerns in the acquisition strategy prior to the implementation of such acquisition strategy.

''(e) STRATEGY SPECIFICATIONS.—If the head of a contracting agency determines that an acquisition plan or proposed procurement strategy will result in a bundled contract, the proposed acquisition plan or procurement strategy shall—

''(1) identify specifically the benefits anticipated to be derived from the bundling of contract requirements;

''(2) set forth an assessment of the specific impediments to participation by small business concerns as prime contractors that result from the contract bundling and specify actions designed to maximize small business participation as subcontractors (including suppliers) at various tiers under the contract or contracts that are awarded to meet the requirements; and

''(3) include a specific determination that the anticipated measurable benefits of the proposed bundled contract justify its use.

''(f) CONTRACT TEAMING.—In the case of a solicitation of offers for a bundled contract that is issued by the head of an agency, a small-business concern may submit an offer that provides for use of a particular team of subcontractors for the performance of the contract. The head of the agency shall evaluate the offer in the same manner as other offers, with due consideration to the capabilities of all of the proposed subcontractors. If a small business concern teams under this paragraph, it shall not affect its status as a small business concern for any other purpose.

''(g) DATABASE, ANALYSIS, AND ANNUAL REPORT REGARDING CONTRACT BUNDLING.—

''(1) DATABASE.—Not later than 180 days after the date of the enactment of this subsection, the Administrator shall develop and shall thereafter maintain a database containing data and information regarding—

''(A) each bundled contract awarded by a Federal agency; and

''(B) each small business concern that has been displaced as a prime contractor as a result of the award of such a contract.

''(2) ANALYSIS.—For each bundled contract that is to be recompeted, the Administrator shall determine—

''(A) the amount of savings and benefits realized, in comparison with the savings and benefits anticipated by the analysis required under subsection (d) prior to the contract award; and

''(B) whether such savings and benefits will continue to be realized if the contract remains bundled, and whether such savings and benefits would be greater if the procurement requirements were divided into separate solicitations suitable for award to small business concerns.

''(3) ANNUAL REPORT ON CONTRACT BUNDLING.—

''(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this paragraph, and annually in March thereafter, the Administrator shall transmit a report on contract bundling to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate.

''(B) CONTENTS.—Each report transmitted under subparagraph (A) shall include—

''(i) data on the number, arranged by industrial classification, of small business concerns displaced as prime contractors as a result of the award of bundled contracts by Federal agencies; and

''(ii) a description of the activities with respect to previously bundled contracts of each Federal agency during the preceding year, including—

''(I) data on the number and total dollar amount of all contract requirements that were bundled; and

''(II) with respect to each bundled contract, data or information on—

''(aa) the justification for the bundling of contract requirements;

''(bb) the cost savings realized by bundling the contract requirements over the life of the contract;

''(cc) the extent to which maintaining the bundled status of contract requirements is projected to result in continued cost savings;

''(dd) the extent to which the bundling of contract requirements complied with the contracting agency's small business subcontracting plan, including the total dollar value awarded to small business concerns as subcontractors and the total dollar value previously awarded to small business concerns as prime contractors; and

''(ee) the impact of the bundling of contract requirements on small business concerns unable to compete as prime contractors for the consolidated requirements and on the industries of such small business concerns, including a description of any changes to the proportion of any such industry that is composed of small business concerns.

''(h) BUNDLING ACCOUNTABILITY MEASURES.—

''(1) TEAMING REQUIREMENTS.—Each Federal agency shall include in each solicitation for any multiple award contract above the dollar threshold a provision soliciting bids from any responsible source, including responsible small business concerns and teams or joint ventures of small business concerns.

''(2) POLICIES ON REDUCTION OF CONTRACT BUNDLING.—

''(A) IN GENERAL.—Not later than 270 days after the date of enactment of this subparagraph, the Federal Acquisition Regulatory Council, established under section 1302(a) of title 41, United States Code, shall amend the Federal Acquisition Regulation issued under section 1303 of such title to—

''(i) establish a Government-wide policy regarding contract bundling, including regarding the solicitation of teaming and joint ventures; and

''(ii) require that the policy established under clause (i) be published on the website of each Federal agency.

''(B) RATIONALE FOR CONTRACT BUNDLING.—Not later than 30 days after the date on which

the head of a Federal agency submits the report required under section 15(h), the head of the Federal agency shall publish on the website of the Federal agency a list and rationale for any bundled contract for which the Federal agency solicited bids or that was awarded by the Federal agency.''.

SEC. 1672. REPEAL OF REDUNDANT PROVISIONS.

(a) CERTAIN PROVISIONS REGARDING CONTRACT BUNDLING REPEALED.—

(1) Section 15(a) of the Small Business Act (15 U.S.C. 644(a)), is amended by striking ''If a proposed procurement includes'' and all that follows through ''the matter shall be submitted for determination to the Secretary or the head of the appropriate department or agency by the Administrator.''.

(2) All references in law to such sentences as they were in effect on the date that is one day prior to the effective date of this Act shall be deemed to be references to section 44(d), as added by this part.

(b) CERTAIN PROVISIONS REGARDING MARKET RESEARCH REPEALED.—

(1) Paragraphs (2) through (4) of section 15(e) of the Small Business Act (15 U.S.C. 644(e)) are repealed.

(2) All references in law to such paragraphs, as in effect on the date that is one day prior to the effective date of this Act, shall be deemed to be references to subsections (d) through (f), respectively, of section 44 of the Small Business Act, as added by this section.

(c) CERTAIN PROVISIONS REGARDING CONTRACT BUNDLING DATABASE REPEALED.—

(1) Paragraph (1) of section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is repealed.

(2) Paragraphs (2) through (4) of section 15(p) of the Small Business Act (15 U.S.C. 644(p)) are repealed. All references in law to such paragraphs, as in effect on the date that is one day prior to the effective date of this Act, shall be deemed to be references to paragraphs (1) through (3), respectively, of section 44(h) of the Small Business Act, as added by this part.

(d) CERTAIN PROVISIONS REGARDING BUNDLING ACCOUNTABILITY MEASURES REPEALED.—

(1) Paragraphs (1) and (2) of section 15(q) of the Small Business Act (15 U.S.C. 644(q)) are repealed.

(2) All references in law to such paragraphs, as in effect on the date that is one day prior to the effective date of this Act, shall be deemed to be references to paragraphs (1) and (2), respectively, of section 44(i) of the Small Business Act, as added by this part.

(e) CERTAIN PROVISIONS REGARDING.—Subsection (o) of section 3 of the Small Business Act (15 U.S.C.) is repealed.

SEC. 1673. TECHNICAL AMENDMENTS.

Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in the heading of subsection (p), to read as follows: ''ACCESS TO DATA.—''; and

(2) in the heading of subsection (q), to read as follows: ''REPORTS RELATED TO PROCUREMENT CENTER REPRESENTATIVES.—''.

PART VII —INCREASED PENALTIES FOR FRAUD

SEC. 1681. SAFE HARBOR FOR GOOD FAITH COMPLIANCE EFFORTS.

(a) SMALL BUSINESS FRAUD.—Section 16(d) of the Small Business Act (15 U.S.C. 645(d)) is amended by inserting after paragraph (2) the following:

''(3) LIMITATION ON LIABILITY.—This subsection shall not apply to any conduct in violation of subsection (a) if the defendant acted in reliance on a written advisory opinion from a licensed attorney who is not an employee of the defendant.''.

(b) REGULATIONS.—Not later than 270 days after the date of enactment of this part, the Administrator of the Small Business Administration shall issue rules defining what constitutes an adequate advisory opinion for purposes of section 16(d)(3) of the Small Business Act.

(c) SMALL BUSINESS COMPLIANCE GUIDE.—Not later than 270 days after the date of enactment of this part, the Administrator of the Small Business Administration shall issue (pursuant to section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996) a compliance guide to assist business concerns in accurately determining their status as a small business concern.

SEC. 1682. OFFICE OF HEARINGS AND APPEALS.

(a) CHIEF HEARING OFFICER.—Section 4(b)(1) of the Small Business Act is amended by adding at the end the following: ''One shall be designated at the time of his or her appointment as the Chief Hearing Officer, who shall head and administer the Office of Hearings and Appeals within the Administration.''.

(b) OFFICE OF HEARINGS AND APPEALS ESTABLISHED IN ADMINISTRATION.—Section 5 of the Small Business Act (15 U.S.C. 634) is amended by adding at the end the following:

''(i) OFFICE OF HEARINGS AND APPEALS.—

''(1) IN GENERAL.—There is established in the Administration an Office of Hearings and Appeals—

''(A) to impartially decide such matters, where Congress designates that a hearing on the record is required or which the Administrator designates by regulation or otherwise; and

''(B) which shall contain the Administration's Freedom of Information/Privacy Acts Office.

''(2) CHIEF HEARING OFFICER.—The Chief Hearing Officer shall be a career member of the Senior Executive Service and an attorney duly licensed by any State, commonwealth, territory, or the District of Columbia.

''(A) DUTIES.—The Chief Hearing Officer shall—

''(i) serve as the Chief Administrative Law Judge; and

''(ii) be responsible for the operation and management of the Office of Hearings and Appeals, pursuant to the rules of practice established by the Administrator.

''(B) ALTERNATIVE DISPUTE RESOLUTION.—The Chief Hearing Officer may also assign a matter for mediation or other means of alternative dispute resolution.

''(3) ADMINISTRATIVE LAW JUDGES.—

''(A) IN GENERAL.—An administrative law judge shall be an attorney duly licensed by any State, commonwealth, territory, or the District of Columbia.

''(B) CONDITIONS OF EMPLOYMENT.—(i) An administrative law judge shall serve in the excepted service as an employee of the Administration under section 2103 of title 5, United States Code, and under the supervision of the Chief Hearing Officer.

''(ii) Administrative law judge positions shall be classified at Senior Level, as such term is defined in section 5376 of title 5, United States Code.

''(iii) Compensation for administrative law judge positions shall be set in accordance with the pay rates of section 5376 of title 5, United States Code.

''(C) TREATMENT OF CURRENT PERSONNEL.—An individual serving as a Judge in the Office of Hearings and Appeals (as that position and office are designated in section 134.101 of title 13, Code of Federal Regulations (as in effect on January 1, 2012)) on the effective date of this subsection shall be considered as qualified to be and redesignated as administrative law judges.

''(D) POWERS.—An administrative law judge shall have the authority to conduct hearings in accordance with sections 554, 556, and 557 of title 5, United States Code.''.

SEC. 1683. REQUIREMENT FRAUDULENT BUSINESSES BE SUSPENDED OR DEBARRED.

(a) IN GENERAL.—Section 16(d)(2)(C) of the Small Business Act (15 U.S.C. 645(d)(2)(C)) is amended by striking ''on the basis that such misrepresentation indicates a lack of business integrity that seriously and directly affects the present responsibility to perform any contract awarded by the Federal Government or a subcontract under such a contract''.

(b) REVISION TO FAR.—Not later than 270 days after the date of enactment of this part, the Federal Acquisition Regulation shall be revised to implement the amendment made by this section.

(c) DEVELOPMENT AND PROMULGATION OF GUIDANCE.—Not later than 270 days after the date of enactment of this part, the Administrator of the Small Business Administration shall develop and promulgate guidance implementing this section.

(d) PUBLICATION OF PROCEDURES REGARDING SUSPENSION AND DEBARMENT.—Not later than 270 days after the date of enactment of this part, the Administrator shall publish on the Administration's Web site the standard operating procedures for suspension and debarment in effect, and the name and contact information for the individual designated by the Administrator as the senior individual responsible for suspension and debarment proceedings.

SEC. 1684. ANNUAL REPORT ON SUSPENSIONS AND DEBARMENTS PROPOSED BY SMALL BUSINESS ADMINISTRATION.

(a) REPORT REQUIREMENT.—The Administrator of the Small Business Administration shall submit each year to the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report on the suspension and debarment actions taken by the Administrator during the year preceding the year of submission of the report.

(b) MATTERS COVERED.—The report required by subsection (a) shall include the following information for the year covered by the report:

(1) NUMBER.—The number of contractors proposed for suspension or debarment.

(2) SOURCE.—The office within a Federal agency that originated each proposal for suspension or debarment.

(3) REASONS.—The reason for each proposal for suspension or debarment.

(4) RESULTS.—The result of each proposal for suspension or debarment, and the reason for such result.

(5) REFERRALS.—The number of suspensions or debarments referred to the Inspector General of the Small Business Administration or another agency, or to the Attorney General (for purposes of this paragraph, the Administrator may redact identifying information on names of companies or other information in order to protect the integrity of any ongoing criminal or civil investigation).

PART VIII —OFFICES OF SMALL AND DISADVANTAGED BUSINESS UNITS

SEC. 1691. OFFICES OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.

(a) APPOINTMENT AND POSITION OF DIRECTOR.—Section 15(k)(2) of the Small Business Act (15 U.S.C. 644(k)(2)) is amended by striking ''such agency,'' and inserting ''such agency to a position that is a Senior Executive Service position (as such term is defined under section 3132(a) of title 5, United States Code), except that, for any agency in which the positions of Chief Acquisition Officer and senior procurement executive (as such terms are defined under section 44(a) of this Act) are not Senior Executive Service positions, the Director of Small and Disadvantaged Business Utilization may be appointed to a position compensated at not less than the minimum rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of such title (including comparability payments under section 5304 of such title);''.

(b) PERFORMANCE APPRAISALS.—Section 15(k)(3) of such Act (15 U.S.C. 644(k)(3)) is amended—

(1) by striking ''be responsible only to, and report directly to, the head'' and inserting ''shall be responsible only to (including with respect to performance appraisals), and report directly and exclusively to, the head''; and

(2) by striking ''be responsible only to, and report directly to, such Secretary'' and inserting ''be responsible only to (including with respect to performance appraisals), and report directly and exclusively to, such Secretary''.

(c) SMALL BUSINESS TECHNICAL ADVISERS.—Section 15(k)(8)(B) of such Act (15 U.S.C. 644(k)(8)(B)) is amended—

(1) by striking ''and 15 of this Act,'' and inserting '', 15, and 44 of this Act;''; and

(2) by inserting after ''of this Act'' the following: ''(giving priority in assigning to small business that are in metropolitan statistical areas for which the unemployment rate is higher than the national average unemployment rate for the United States)''.

(d) ADDITIONAL REQUIREMENTS.—Section 15(k) of such Act (15 U.S.C. 644(k)) is amended by inserting after paragraph (10) the following:

''(11) shall review and advise such agency on any decision to convert an activity performed by a small business concern to an activity performed by a Federal employee;

''(12) shall provide to the Chief Acquisition Officer and senior procurement executive of such agency advice and comments on acquisition strategies, market research, and justifications related to section 44 of this Act;

''(13) may provide training to small business concerns and contract specialists, except that such training may only be provided to the extent that the training does not interfere with the Director carrying out other responsibilities under this subsection;

''(14) shall receive unsolicited proposals and, when appropriate, forward such proposals to personnel of the activity responsible for reviewing such proposals

''(15) shall carry out exclusively the duties enumerated in this Act, and shall, while the Director, not hold any other title, position, or responsibility, except as necessary to carry out responsibilities under this subsection; and

''(16) shall submit, each fiscal year, to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report describing—

''(A) the training provided by the Director under paragraph (13) in the most recently completed fiscal year;

''(B) the percentage of the budget of the Director used for such training in the most recently completed fiscal year; and

''(C) the percentage of the budget of the Director used for travel in the most recently completed fiscal year.''.

(e) REQUIREMENT OF CONTRACTING EXPERIENCE FOR OSDBU DIRECTOR.—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), as amended by this part, is further amended, in the matter preceding paragraph (1), by striking ''who shall'' and insert the following: '', with experience serving in any combination of the following roles: federal contracting officer, small business technical advisor, contracts administrator for federal government contracts, attorney specializing in federal procurement law, small business liaison officer, officer or employee who managed federal government contracts for a small business, or individual whose primary responsibilities were for the functions and duties of section 8, 15 or 44 of this Act. Such officer or employee''.

(f) TECHNICAL AMENDMENTS.—Section 15(k) of such Act (15 U.S.C. 644(k)), as amended, is further amended—

(1) in paragraph (1)—

(A) by striking ''be known'' and inserting ''shall be known''; and

(B) by striking ''such agency,'' and inserting ''such agency;'';

(2) in paragraph (2) by striking ''be appointed by'' and inserting ''shall be appointed by'';

(3) in paragraph (3)—

(A) by striking ''director'' and inserting ''Director''; and

(B) by striking ''Secretary's designee,'' and inserting ''Secretary's designee;'';

(4) in paragraph (4)—

(A) by striking ''be responsible'' and inserting ''shall be responsible''; and

(B) by striking ''such agency,'' and inserting ''such agency;'';

(5) in paragraph (5) by striking ''identify proposed'' and inserting ''shall identify proposed'';

(6) in paragraph (6) by striking ''assist small'' and inserting ''shall assist small'';

(7) in paragraph (7)—

(A) by striking ''have supervisory'' and inserting ''shall have supervisory''; and

(B) by striking ''this Act,'' and inserting ''this Act;'';

(8) in paragraph (8)—

(A) by striking ''assign a'' and inserting ''shall assign a''; and

(B) in subparagraph (A), by striking ''the activity, and'' and inserting ''the activity; and'';

(9) in paragraph (9)—

(A) by striking ''cooperate, and'' and inserting ''shall cooperate, and''; and

(B) by striking ''subsection, and'' and inserting ''subsection;''; and

(10) in paragraph (10)—

(A) by striking ''make recommendations'' and inserting ''shall make recommendations'';

(B) by striking ''subsection (a), or section'' and inserting ''subsection (a), section'';

(C) by striking ''Act or section 2323'' and inserting ''Act, or section 2323'';

(D) by striking ''Code. Such recommendations shall'' and inserting ''Code, which shall''; and

(E) by striking ''contract file.'' and inserting ''contract file;''.

SEC. 1692. SMALL BUSINESS PROCUREMENT ADVISORY COUNCIL.

(a) DUTIES.—Section 7104(b) of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644 note) is amended—

(1) in paragraph (1) by striking ''and'' at the end;

(2) in paragraph (2) by striking ''authorities.'' and inserting ''authorities;''; and

(3) by adding at the end the following:

''(3) to conduct reviews of each Office of Small and Disadvantaged Business Utilization established under section 15(k) of the Small Business Act (15 U.S.C. 644(k)) to determine the compliance of each Office with requirements under such section;

''(4) to identify best practices for maximizing small business utilization in Federal contracting that may be implemented by Federal agencies having procurement powers; and

''(5) to submit, annually, to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report describing—

''(A) the comments submitted under paragraph (2) during the 1-year period ending on the date on which the report is submitted, including any outcomes related to the comments;

''(B) the results of reviews conducted under paragraph (3) during such 1-year period; and

''(C) best practices identified under paragraph (4) during such 1-year period.''.

(b) MEMBERSHIP.—Section 7104(c)(3) of such Act (15 U.S.C. 644 note) is amended by striking ''(established under section 15(k) of the Small Business Act (15 U.S.C. 644(k))''.

(c) CHAIRMAN.—Section 7104(d) of such Act (15 U.S.C. 644 note) is amended by inserting after ''Small Business Administration'' the following: ''(or the designee of the Administrator)''.

PART IX—OTHER MATTERS

SEC. 1695. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)'';

(2) by striking ''$2,000,000'' and inserting ''$6,500,000, as adjusted for inflation in accordance with section 1908 of title 41, United States Code,''; and

(3) by adding at the end the following:

''(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed $10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary.''.

(b) DENIAL OF LIABILITY.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) by striking subsection (e) and inserting the following:

''(e) REIMBURSEMENT OF SURETY; CONDITIONS.—Pursuant to any such guarantee or agreement, the Administration shall reimburse the surety, as provided in subsection (c) of this section, except that the Administration shall be relieved of liability (in whole or in part within the discretion of the Administration) if—

''(1) the surety obtained such guarantee or agreement, or applied for such reimbursement, by fraud or material misrepresentation,

''(2) the total contract amount at the time of execution of the bond or bonds exceeds $6,500,000,

''(3) the surety has breached a material term or condition of such guarantee agreement, or

''(4) the surety has substantially violated the regulations promulgated by the Administration pursuant to subsection (d).''; and

(2) by adding at the end the following:

''(j) For bonds made or executed with the prior approval of the Administration, the Administration shall not deny liability to a surety based upon material information that was provided as part of the guaranty application.''.

(c) SIZE STANDARDS.—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended by adding at the end the following:

''(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purpose of sections 410, 411, and 412 the term 'small business concern' means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System.''.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2013''.

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 and title XXIX 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, 2015; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2016.

(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, 2015; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2016 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII and title XXIX shall take effect on the later of—

(1) October 1, 2012; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103 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	$10,400,000
	Joint Base Elmendorf-Richardson	$7,900,000
California	Concord	$8,900,000
Colorado	Fort Carson	$52,000,000
District of Columbia	Fort McNair	$7,200,000
Georgia	Fort Benning	$16,000,000
	Fort Gordon	$23,300,000
	Fort Stewart	$49,650,000
Hawaii	Pohakuloa Training Area	$29,000,000
	Schofield Barracks	$96,000,000
	Wheeler Army Air Field	$85,000,000
Kansas	Fort Riley	$12,200,000
Kentucky	Fort Campbell	$81,800,000
	Fort Knox	$6,000,000
Missouri	Fort Leonard Wood	$123,000,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	$47,000,000
	Picatinny Arsenal	$10,200,000
New York	Fort Drum	$95,000,000
	U.S. Military Academy	$192,000,000
North Carolina	Fort Bragg	$98,000,000
Oklahoma	Fort Sill	$4,900,000
South Carolina	Fort Jackson	$24,000,000
Texas	Corpus Christi	$37,200,000
	Fort Bliss	$7,200,000
	Fort Hood	$51,200,000
	Joint Base San Antonio	$21,000,000
Virginia	Arlington	$84,000,000
	Fort Belvoir	$94,000,000
	Fort Lee	$81,000,000
Washington	Joint Base Lewis-McChord	$164,000,000
	Yakima	$5,100,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103 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
Italy	Camp Ederle	$36,000,000
	Vicenza	$32,000,000
Japan	Okinawa	$78,000,000
	Sagami	$18,000,000
Korea	Camp Humphreys	$45,000,000
Kwajalein Atoll	Kwajalein Atoll	$62,000,000

SEC. 2102. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2103 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 $4,641,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

SEC. 2104. 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. 2628) for Fort Belvoir, Virginia, for construction of a Road and Access Control Point at the installation, the Secretary of the Army may construct a standard design Access Control Point consistent with the Army's construction guidelines for Access Control Points.

SEC. 2105. 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, 2013, or the date of the enactment of an Act authorizing funds

for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Alabama	Anniston Army Depot	Lake Yard Interchange	$1,400,000
New Jersey	Picatinny Arsenal	Ballistic Evaluation Facility Phase I	$9,900,000

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (123 Stat. 2628), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2010 Project Authorizations

State	Installation or Location	Project	Amount
Louisiana	Fort Polk	Land Purchases and Condemnation	$17,000,000
New Jersey	Picatinny Arsenal	Ballistic Evaluation Facility Phase 2	$10,200,000
Virginia	Fort Belvoir	Road and Access Control Point	$9,500,000
Washington	Fort Lewis	Fort Lewis-McChord AFB Joint Access	$9,000,000
Kuwait	Kuwait	APS Warehouses	$82,000,000

SEC. 2107. EXTENSION OF LIMITATION ON OBLIGATION OR EXPENDITURE OF FUNDS FOR TOUR NORMALIZATION.

Section 2111 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1665) is amended in the matter preceding paragraph (1) by inserting after ''under this Act'' the following: ''or an Act authorizing funds for military construction for fiscal year 2013''.

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) 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	$29,285,000
California	Camp Pendleton	$88,110,000
	Coronado	$78,541,000
	Miramar	$27,897,000
	Point Mugu	$12,790,000
	San Diego	$71,188,000
	Seal Beach	$30,594,000
	Twentynine Palms	$47,270,000
Florida	Jacksonville	$21.980,000
Hawaii	Kaneohe Bay	$97,310,000
Mississippi	Meridian	$10,926,000
New Jersey	Earle	$33,498,000
North Carolina	Camp Lejeune	$69,890,000
	Cherry Point Marine Corps Air Station	$45,891,000
	New River	$8,525,000
South Carolina	Beaufort	$81,780,000
	Parris Island	$10,135,000
Virginia	Dahlgren	$28,228,000
	Oceana Naval Air Station	$39,086,000
	Portsmouth	$32,706,000
	Quantico	$58,714,000
	Yorktown	$48,823,000
Washington	Whidbey Island	$6,272,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) 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
Diego Garcia	Diego Garcia	$1,691,000
Greece	Souda Bay	$25,123,000
Japan	Iwakuni	$13,138,000
	Okinawa	$8,206,000
Romania	Deveselu	$45,205,000
Spain	Rota	$17,215,000
Worldwide (Unspecified)	Unspecified Worldwide Locations	$34,048,000

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) 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 $4,527,000.

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(a) and available for military family housing functions, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $97,655,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION.—The Secretary of the Navy shall not enter into an award for a military construction project in Romania until after the date on which the Secretary submits a NATO prefinancing request for consideration of the military construction project.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.

In the case of the authorization contained in the table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1666), for Kitsap (Bangor) Washington, for construction of Explosives Handling Wharf No. 2 at that location, the Secretary of the Navy may acquire fee or lesser real property interests to accomplish required environmental mitigation for the project using appropriations authorized for the project.

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) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1668), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2009 Project Authorizations

State	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. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (123 Stat. 2632), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2010 Project Authorization

State/Country	Installation or Location	Project	Amount
California	Bridgeport	Mountain Warfare Training, Commissary	$6,830,000
Maine	Portsmouth Naval Shipyard	Gate 2 Security Improvements	$7,090,000
Djibouti	Camp Lemonier	Security Fencing	$8,109,000
		Ammo Supply Point	$21,689,000
		Interior Paved Roads	$7,275,000

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Arkansas	Little Rock Air Force Base	$30,178,000
Florida	Tyndall Air Force Base	$14,750,000
Georgia	Fort Stewart	$7,250,000
	Moody Air Force Base	$8,500,000
New Mexico	Holloman Air Force Base	$25,000,000
North Dakota	Minot Air Force Base	$4,600,000
Texas	Joint Base San Antonio	$18,000,000
Utah	Hill Air Force Base	$13,530,000

(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 Air Base	$63,500,000
Guam	Andersen Air Force Base	$128,000,000
Italy	Aviano Air Base	$9,400,000
Worldwide, Unspecified	Unspecified Worldwide Locations	$34,657,000

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 $4,253,000.

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 $79,571,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, 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. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2301 of that Act (123 Stat. 2636), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2010 Project Authorization

Location	Installation or Location	Project	Amount
Missouri	Whiteman Air Force Base	Land Acquisition North & South Boundary	$5,500,000
Montana	Malmstrom Air Force Base	Weapons Storage Area (WSA), Phase 2	$10,600,000

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) 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
Arizona	Yuma	$1,300,000
California	Coronado	$55,259,000
	DEF Fuel Support Point-San Diego	$91,563,000
	Edwards Air Force Base	$27,500,000
	Twentynine Palms	$27,400,000
Colorado	Buckley Air Force Base	$30,000,000
	Fort Carson	$56,673,000
	Pikes Peak	$3,600,000
CONUS Classified	Classified Location	$59,577,000
Delaware	Dover Air Force Base	$2,000,000

***Defense Agencies: Inside the United States**—Continued*

State	Installation or Location	Amount
Florida	Eglin Air Force Base	$41,965,000
	Hurlburt Field	$16,000,000
	MacDill Air Force Base	$34,409,000
Hawaii	Joint Base Pearl Harbor-Hickam	$24,289,000
Illinois	Great Lakes	$28,700,000
	Scott Air Force Base	$86,711,000
Indiana	Grissom Army Reserve Base	$26,800,000
Kentucky	Fort Campbell	$71,639,000
Louisiana	Barksdale Air Force Base	$11,700,000
Maryland	Annapolis	$66,500,000
	Bethesda Naval Hospital	$69,200,000
	Fort Meade	$128,600,000
Missouri	Fort Leonard Wood	$18,100,000
New Mexico	Cannon Air Force Base	$93,085,000
New York	Fort Drum	$43,200,000
North Carolina	Camp Lejeune	$80,064,000
	Fort Bragg	$100,422,000
	Seymour Johnson Air Force Base	$55,450,000
Pennsylvania	DEF Distribution Depot New Cumberland	$17,400,000
South Carolina	Shaw Air Force Base	$57,200,000
Texas	Red River Army Depot	$16,715,000
Virginia	Dam Neck	$11,000,000
	Joint Expeditionary Base Little Creek - Story	$11,132,000
	Norfolk	$8,500,000
Washington	Fort Lewis	$50,520,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Belgium	Brussels	$26,969,000
Germany	Stuttgart-Patch Barracks	$2,413,000
	Vogelweh	$61,415,000
	Weisbaden	$52,178,000
Guam	Andersen Air Force Base	$67,500,000
Guantanamo Bay, Cuba	Guantanamo Bay	$40,200,000
Japan	Camp Zama	$13,273,000
	Kadena Air Base	$143,545,000
	Sasebo	$35,733,000
	Zukeran	$79,036,000
Korea	Kunsan Air Base	$13,000,000
	Osan Air Base	$77,292,000
Romania	Deveselu	$157,900,000
United Kingdom	Menwith Hill Station	$50,283,000
	Royal Air Force Feltwell	$30,811,000
	Royal Air Force Mildenhall	$6,490,000

SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) 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

State	Installation or Location	Amount
Alaska	Clear	$15,337,000
California	Fort Hunter Liggett	$9,600,000
	Parks RFTA	$9,256,000
Colorado	Aerospace Data Facility	$3,310,000
	Fort Carson	$4,000,000

Energy Conservation Projects: Inside the United States—Continued

State	Installation or Location	Amount
Hawaii	Joint Base Pearl Harbor Hickam	$6,610,000
Missouri	Whiteman	$6,000,000
North Carolina	Fort Bragg	$2,700,000
	MCB Camp Lejeune	$5,701,000
New Jersey	Sea Girt	$3,000,000
Pennsylvania	NSA Mechanicsburg	$19,926,000
	Susquehanna	$2,550,000
	Tobyhanna Army Depot	$3,950,000
Tennessee	Arnold	$3,606,000
Texas	Fort Bliss	$5,700,000
	Fort Bliss	$2,600,000
	Laughlin	$4,800,000
Virginia	MCB Quantico	$7,943,000
	Pentagon Reservation	$2,360,000
	Pentagon Reservation	$2,120,000
Various Locations	Various Locations	$12,886,000

(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
Italy	Naval Air Station Sigonella	$6,121,000
Spain	Naval Station Rota	$2,671,000
Various Locations	Various Locations	$7,253,000

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, 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 military construction project in Romania until after the date on which the Secretary submits a NATO prefinancing request for consideration of the military construction project.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECTS.

(a) MARYLAND.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), is amended in the item relating to Fort Meade, Maryland, by striking ''$29,640,000'' in the amount column and inserting ''$792,200,000''.

(b) GERMANY.—The table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1673), is amended in the item relating to Rhine Ordnance Barracks, Germany, by striking ''$750,000,000'' in the amount column and inserting ''$850,000,000''.

SEC. 2405. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2010 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), the authorization set forth in the table in subsection (b), as provided in section 2401(a) of that Act (123 Stat. 2640), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later:

(b) TABLE.—The table referred to in subsection (a) is as follows:

Extension of 2010 Project Authorization

State/Country	Installation or Location	Project	Amount
Virginia	Pentagon Reservation	Pentagon electrical upgrade	$19,272,000

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, 2012, for military construction and land acquisition for chemical demilitarization as specified in the funding table in section 4601.

SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2699), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), is further amended—

(1) under the agency heading relating to Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking ''$484,000,000'' in the amount column and inserting ''$520,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$866,454,000''.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking ''$484,000,000'' and inserting ''$520,000,000''.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of 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, 2012, 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.

(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	$5,400,000
Arkansas	Searcy	$6,800,000
California	Fort Irwin	$25,000,000
Connecticut	Camp Hartell	$32,000,000
Delaware	Bethany Beach	$5,500,000
Florida	Camp Blanding	$9,000,000
	Miramar	$20,000,000
Hawaii	Kapolei	$28,000,000
Idaho	Orchard Training Area	$40,000,000
Indiana	South Bend	$21,000,000
	Terra Haute	$9,000,000
Iowa	Camp Dodge	$3,000,000
Kansas	Topeka	$9,500,000
Kentucky	Frankfort	$32,000,000
Massachusetts	Camp Edwards	$27,200,000
Michigan	Camp Grayling	$17,000,000
Minnesota	Camp Ripley	$17,000,000
	St. Paul	$17,000,000
Missouri	Fort Leonard Wood	$18,000,000
	Kansas City	$1,900,000
	Monett	$820,000
	Perryville	$700,000
Montana	Miles City	$11,000,000
New Jersey	Sea Girt	$34,000,000
New York	Stomville	$24,000,000
Ohio	Chillcothe	$3,100,000
	Delaware	$12,000,000
Oklahoma	Camp Gruber	$25,000,000
Utah	Camp Williams	$36,000,000
Vermont	North Hyde Park	$4,397,000
Washington	Fort Lewis	$35,000,000
West Virginia	Logan	$14,200,000
Wisconsin	Wausau	$10,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Guam	Barrigada	$8,500,000
Puerto Rico	Camp Santiago	$3,800,000
	Ceiba	$2,200,000
	Guaynabo	$15,000,000
	Gurabo	$14,700,000

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	$78,300,000
	Tustin	$27,000,000
Illinois	Fort Sheridan	$28,000,000
Maryland	Aberdeen Proving Ground	$21,000,000
	Baltimore	$10,000,000
Massachusetts	Devens Reserve Forces Training Area	$8,500,000
Nevada	Las Vegas	$21,000,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	$7,400,000
Pennsylvania	Conneant Lake	$4,800,000
Washington	Joint Base Lewis-McChord	$40,000,000
Wisconsin	Fort McCoy	$47,800,000

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
Arizona	Yuma	$5,379,000
Iowa	Fort Des Moines	$19,162,000
Louisiana	New Orleans	$7,187,000
New York	Brooklyn	$4,430,000
Texas	Fort Worth	$11,256,000

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	Fresno Yosemite International Airport Air National Guard	$11,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	$6,500,000
New Mexico	Kirtland Air Force Base	$8,500,000
Tennessee	McGee-Tyson Airport	$18,000,000
Wyoming	Cheyenne Municipal Airport	$6,486,000

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 Air Reserve Base	$16,900,000
New York	Niagara Falls International Airport	$6,100,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, 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. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD READINESS CENTER PROJECT, NORTH LAS VEGAS, NEVADA.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2648) for North Las Vegas, Nevada, for construction of a Readiness Center, the Secretary of the Army may construct up to 68,593 square feet of readiness center, 10,000 square feet of unheated equipment storage area, and 25,000 square feet of unheated vehicle storage, consistent with the Army's construction guidelines for readiness centers.

(b) AUTHORITY TO CARRY OUT ARMY RESERVE CENTER PROJECT, MIRAMAR, CALIFORNIA.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2649) for Camp Pendleton, California, for construction of an Army Reserve Center, the Secretary of the

Army may instead construct an Army Reserve Center in the vicinity of the Marine Corps Air Station, Miramar, California.

(c) AUTHORITY TO CARRY OUT ARMY RESERVE CENTER PROJECT, BRIDGEPORT, CONNECTICUT.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2649) for Bridgeport, Connecticut, for construction of an Army Reserve Center/Land, the Secretary of the Army may instead construct an Army Reserve Center and acquire land in the vicinity of Bridgeport, Connecticut.

SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECTS.

(a) AUTHORITY TO CARRY OUT ARMY RESERVE CENTER PROJECT, FORT STORY, VIRGINIA.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4453) for Fort Story, Virginia, for construction of an Army Reserve Center, the Secretary of the Army may instead construct an Army Reserve Center in the vicinity of Fort Story, Virginia.

(b) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, FORT CHAFFEE, ARKANSAS.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Fort Chaffee, Arkansas, for construction of a Live Fire Shoot House, the Secretary of the Army may construct up to 5,869 square feet of Live Fire Shoot House.

(c) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, WINDSOR LOCKS, CONNECTICUT.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Windsor Locks, Connecticut, for construction of a Readiness Center, the Secretary of the Army may construct up to 119,510 square feet of a Readiness Center.

(d) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, KALAELOA, HAWAII.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Kalealoa, Hawaii, for construction of a Combined Support Maintenance Shop, the Secretary of the Army may construct up to 137,548 square feet of a Combined Support Maintenance Shop.

(e) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, WICHITA, KANSAS.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Wichita, Kansas, for construction of a Field Maintenance Shop, the Secretary of the Army may construct up to 62,102 square feet of Field Maintenance Shop.

(f) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, MINDEN, LOUISIANA.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Minden, Louisiana, for construction of a Readiness Center, the Secretary of the Army may construct up to 90,944 square feet of a Readiness Center.

(g) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, SAINT INIGOES, MARYLAND.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Saint Inigoes, Maryland, for construction of a Tactical Unmanned Aircraft System Facility, the Secretary of the Army may construct up to 10,298 square feet of a Tactical Unmanned Aircraft System Facility.

(h) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, CAMP GRAFTON, NORTH DAKOTA.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Camp Grafton, North Dakota, for construction of a Readiness Center, the Secretary of the Army may construct up to 68,671 square feet of a Readiness Center.

(i) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, WATERTOWN, SOUTH DAKOTA.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Watertown, South Dakota, for construction of a Readiness Center, the Secretary of the Army may construct up to 97,865 square feet of a Readiness Center.

SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2009 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2604 of that Act (122 Stat. 4706), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air National Guard: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi Airport	Relocate Munitions Complex	$3,400,000

SEC. 2614. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), the authorizations set forth in the tables in subsection (b), as provided in sections 2602 and 2604 of that Act (123 Stat. 2649, 2651), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The tables referred to in subsection (a) are as follows:

Army Reserve: Extension of 2010 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Pendleton	Army Reserve Center	$19,500,000
Connecticut	Bridgeport	Army Reserve Center/Land	$18,500,000

Air National Guard: Extension of 2010 Project Authorization

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi Airport	Relocate Base Entrance	$6,500,000

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Subtitle A—Authorization of Appropriations

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, 2012, for base realignment and closure 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. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for base realignment and closure 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.

Subtitle B—Other Matters

SEC. 2711. CONSOLIDATION OF DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNTS AND AUTHORIZED USES OF BASE CLOSURE ACCOUNT FUNDS.

(a) ESTABLISHMENT OF SINGLE DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT; USE OF FUNDS.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking sections 2906 and 2906A and inserting the following new section 2906:

''SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

''(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the 'Department of Defense Base Closure Account' which shall be administered by the Secretary as a single account.

''(b) CREDITS TO ACCOUNT.—There shall be credited to the Account the following:

''(1) Funds authorized for and appropriated to the Account.

''(2) Funds transferred to the Account pursuant to section ____(b) of the National Defense Authorization Act for Fiscal Year 2013.

''(3) Funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that funds may be transferred under the authority of this paragraph only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees.

''(4) Proceeds received from the lease, transfer, or disposal of any property at a military installation closed or realigned under this part or the 1988 BRAC law.

''(c) USE OF ACCOUNT.—

''(1) AUTHORIZED PURPOSES.—The Secretary may use the funds in the Account only for the following purposes:

''(A) To carry out the Defense Environmental Restoration Program under section 2701 of title 10, United States Code, and other environmental restoration and mitigation activities at military installations closed or realigned under this part or the 1988 BRAC law.

''(B) To cover property management, disposal, and caretaker costs incurred at military installations closed or realigned under this part or the 1988 BRAC law.

''(C) To cover costs associated with supervision, inspection, overhead, engineering, and design of military construction projects undertaken under this part or the 1988 BRAC law before September 30, 2013, and subsequent claims, if any, related to such activities.

''(D) To record, adjust, and liquidate obligations properly chargeable to the following accounts:

''(i) The Department of Defense Base Closure Account 2005 established by section 2906A of this part, as in effect on September 30, 2013.

''(ii) The Department of Defense Base Closure Account 1990 established by this section, as in effect on September 30, 2013.

''(iii) The Department of Defense Base Closure Account established by section 207 of the 1988 BRAC law, as in effect on September 30, 2013.

''(2) SOLE SOURCE OF FUNDS.—The Account shall be the sole source of Federal funds for the activities specified in paragraph (1) at a military installation closed or realigned under this part or the 1988 BRAC law.

''(3) PROHIBITION ON USE OF ACCOUNT FOR NEW MILITARY CONSTRUCTION.—Except as provided in paragraph (1), funds in the Account may not be used, directly or by transfer to another appropriations account, to carry out a military construction project, including a minor military construction project, under section 2905(a) or any other provision of law at a military installation closed or realigned under this part or the 1988 BRAC law.

''(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—

''(1) DEPOSIT OF PROCEEDS IN RESERVE ACCOUNT.—If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this part, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the 1988 BRAC law.

''(2) The amount so deposited under paragraph (1) shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense.

''(3) USE OF RESERVE FUNDS.—Subject to the limitation contained in section 204(b)(7)(C)(iii) of the 1988 BRAC law, amounts in the reserve account are hereby made available to the Secretary, without appropriation and until expended, for the purpose of acquiring, constructing, and improving—

''(A) commissary stores; and

''(B) real property and facilities for nonappropriated fund instrumentalities.

''(e) ANNUAL REPORTS.—

''(1) ANNUAL ACCOUNTING.—No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this part, the Secretary shall transmit a report to the congressional defense committees containing an accounting of—

''(A) the amount and nature of credits to, and expenditures from, the Account during such fiscal year; and

''(B) the amount and nature of anticipated deposits to be made into, and the anticipated expenditures to be made from, the Account during the first fiscal year commencing after the submission of the report.

''(2) SPECIFIC ELEMENTS OF REPORT.—The report for a fiscal year shall include the following:

''(A) The obligations and expenditures from the Account during the fiscal year, identified by subaccount and installation, for each military department and Defense Agency.

''(B) The fiscal year in which appropriations or transfers for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

''(C) An estimate of the net revenues to be received from property disposals under this part or the 1988 BRAC law to be completed during the first fiscal year commencing after the submission of the report.

''(f) CLOSURE OF ACCOUNT; TREATMENT OF REMAINING FUNDS.—

''(1) CLOSURE.—The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code, except that unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the final report transmitted under paragraph (2).

''(2) FINAL REPORT.—No later than 60 days after the closure of the Account under paragraph (1), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

''(A) all the funds credited to and expended from the Account or otherwise expended under this part or the 1988 BRAC law; and

''(B) any funds remaining in the Account.

''(g) DEFINITIONS.—In this section:

''(1) The term 'commissary store funds' means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

''(2) The term 'nonappropriated funds' means funds received from a nonappropriated fund instrumentality.

''(3) The term 'nonappropriated fund instrumentality' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

''(4) The term '1988 BRAC law' means title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).''.

(b) CLOSURE OF EXISTING CURRENT ACCOUNTS; TRANSFER OF FUNDS.—

(1) CLOSURE.—Subject to paragraph (2), the Secretary of the Treasury shall close, pursuant to section 1555 of title 31, United States Code, the following accounts on the books of the Treasury:

(A) The Department of Defense Base Closure Account 2005 established by section 2906A 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 in effect on the effective date of this section.

(B) The Department of Defense Base Closure Account 1990 established by section 2906 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 in effect on the effective date of this section.

(C) The Department of Defense Base Closure Account established by section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), as in effect on the effective date of this section.

(2) TRANSFER OF FUNDS.—All amounts remaining in the three accounts specified in paragraph (1) as of the effective date of this section, shall be transferred, effective on that date, to the Department of Defense Base Closure Account established by section 2906 of the Defense Base Closure and Realignment Act of 1990, as added by subsection (a).

(3) CROSS REFERENCES.—Except as provided in this subsection or the context requires otherwise, any reference in a law, regulation, document, paper, or other record of the United States to an account specified in paragraph (1) shall be deemed to be a reference to the Department of Defense Base Closure Account established by section 2906 of the Defense Base Closure and Realignment Act of 1990, as added by subsection (a).

(c) CONFORMING AMENDMENTS.—

(1) REPEAL OF FORMER ACCOUNT.—Section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is repealed.

(2) DEFINITION.—

(A) 1990 LAW.—Section 2910(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking ''1990 established by section 2906(a)(1)'' and inserting ''established by section 2906(a)''.

(B) 1988 LAW.—The Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(i) in section 204(b)(7)(A), by striking ''established by section 207(a)(1)''; and

(ii) in section 209(1), by striking ''established by section 207(a)(1)'' and inserting ''established by section 2906(a) 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)''.

(3) ENVIRONMENTAL RESTORATION.—Chapter 160 of title 10, United States Code, is amended—

(A) in section 2701(d)(2), by striking ''Department of Defense Base Closure Account 1990 or the Department of Defense Base Closure Account 2005 established under sections 2906 and 2906A'' and inserting ''Department of Defense Base Closure Account established by section 2906'';

(B) in section 2703(h)—

(i) by striking ''the applicable Department of Defense base closure account'' and inserting ''the Department of Defense Base Closure Account established under section 2906 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)''; and

(ii) by striking ''the applicable base closure account'' and inserting ''such base closure account''; and

(C) in section 2905(g)(2), by striking ''Closure Account 1990'' and inserting ''Closure Account''.

(4) DEPARTMENT OF DEFENSE HOUSING FUNDS.—Section 2883 of such title is amended—

(A) in subsection (c)—

(i) by striking subparagraph (G) of paragraph (1); and

(ii) by striking subparagraph (G) of paragraph (2); and

(B) in subsection (f)—

(i) in the first sentence, by striking ''or (G)'' both places it appears; and

(ii) by striking the second sentence.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the later of—

(1) October 1, 2013; and

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014.

SEC. 2712. AIR ARMAMENT CENTER, EGLIN AIR FORCE BASE.

The Secretary of the Air Force shall retain an Air Armament Center at Eglin Air Force Base, Florida, in name and function, with the same integrated mission elements, responsibilities, and capabilities as existed upon the completion of implementation of the recommendations of the 2005 Base Closure and Realignment Commission regarding such military installation contained in the report 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), until such time as such integrated mission elements, responsibilities, and capabilities are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

SEC. 2713. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round, and none of the funds appropriated pursuant to the authorization of appropriations contained in this Act may be used to propose, plan for, or execute an additional BRAC round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. PREPARATION OF MILITARY INSTALLATION MASTER PLANS.

(a) MILITARY INSTALLATION MASTER PLANS.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2863 the following new section:

''§ 2864. Military installation master plans

''(a) PLANS REQUIRED.—At a time interval prescribed by the Secretary concerned (but not less frequently than once every 10 years), the commander of each military installation under the jurisdiction of the Secretary shall ensure an installation master plan is developed to address environmental planning, sustainable design and development, sustainable range planning, real property master planning, and transportation planning.

''(b) TRANSPORTATION COMPONENT.—

''(1) COOPERATION WITH METROPOLITAN PLANNING ORGANIZATIONS.—The transportation component of an installation master plan shall be developed and updated in cooperation with the metropolitan planning organization designated for the metropolitan planning area in which the military installation is located.

''(2) DEFINITIONS.—In this subsection, the terms 'metropolitan planning area' and 'metropolitan planning organization' have the meanings given those terms in section 134(b) of title 23 and section 5303(b) of title 49.

''(3) TRANSIT SERVICES.—The installation master plan for a military installation shall also address operating costs for transit service and travel demand measures on the installation.''.

SEC. 2802. SUSTAINMENT OVERSIGHT AND ACCOUNTABILITY FOR MILITARY HOUSING PRIVATIZATION PROJECTS AND RELATED ANNUAL REPORTING REQUIREMENTS.

(a) SUSTAINMENT OVERSIGHT AND ACCOUNTABILITY FOR PRIVATIZATION PROJECTS.—

(1) OVERSIGHT AND ACCOUNTABILITY MEASURES.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2885 the following new section:

''§ 2885a. Oversight and accountability for privatization projects: sustainment

''(a) OVERSIGHT AND ACCOUNTABILITY MEASURES.—Each Secretary concerned shall prescribe regulations to effectively oversee and manage a military housing privatization project carried out under this subchapter during the sustainment phase of the project following completion of the construction or renovation of the housing units. The regulations shall include the following requirements for each privatization project:

''(1) The financial health and performance of the military housing privatization project, including the debt-coverage ratio of the project and occupancy rates for the constructed or renovated housing units.

''(2) A resident satisfaction assessment of the privatization project.

''(3) An assessment of the backlog of maintenance and repair.

''(b) REQUIRED QUALIFICATIONS.—The Secretary concerned or designated representative shall ensure that the project owner, developer, or general contractor that is selected for each military housing privatization initiative project has sustainment experience commensurate with that required to maintain the project.''.

(2) CONFORMING AMENDMENT.—Section 2885(a) of such title is amended in the matter preceding paragraph (1) by inserting before the period at the end of the first sentence the following: ''during the course of the construction or renovation of the housing units''.

(3) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of section 2885 of such title is amended to read as follows:

''§ 2885. Oversight and accountability for privatization projects: construction''.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2885 and inserting the following new items:

''2885. Oversight and accountability for privatization projects: construction.

''2885a. Oversight and accountability for privatization projects: sustainment.''.

(b) ANNUAL REPORTING REQUIREMENTS.—Section 2884(b) of such title is amended—

(1) by striking paragraphs (2), (3), (4), and (7);

(2) by redesignating paragraphs (5), (6), and (8) as paragraphs (2), (3), and (4), respectively; and

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

''(5) A trend analysis of the backlog of maintenance and repair for each privatization project, including the total cost of the operation, maintenance, and repair costs associated with each project.

''(6) If the debt associated with a privatization project exceeds net operating income or the occupancy rates for the constructed or renovated housing units are below 75 percent for any sustained period of more than one year, a report regarding the plan to mitigate the financial risk of the project.''.

SEC. 2803. ONE-YEAR EXTENSION OF AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

Subsection (h) of 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(a)(2) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1685), is amended—

(1) in paragraph (1), by striking ''September 30, 2012'' and inserting ''September 30, 2013''; and

(2) in paragraph (2), by striking ''fiscal year 2013'' and inserting ''fiscal year 2014''.

SEC. 2804. TREATMENT OF CERTAIN DEFENSE NUCLEAR FACILITY CONSTRUCTION PROJECTS AS MILITARY CONSTRUCTION PROJECTS.

(a) FINDINGS.—Congress finds the following:

(1) According to a memorandum of agreement between the Secretary of Defense and the Secretary of Energy dated May 2010 and a subsequent addendum to such memorandum, the Secretary of Defense plans to transfer $8,300,000,000 of the budgetary authority of the Department of Defense to the Administrator for Nuclear Security of the National Nuclear Security Administration between fiscal years 2011 and 2016 to fund activities of the Administration that the Secretary determines to be high priorities.

(2) Such funding has directly supported defense activities at the National Nuclear Security Administration, including design and construction activities for the Chemistry and Metallurgy Research Building Replacement project and the Uranium Processing Facility project specified in paragraphs (2) and (3) of subsection (b).

(b) COVERED FACILITIES.—This section applies to the following construction projects of the National Nuclear Security Administration:

(1) Any project to build a nuclear facility, initiated on or after October 1, 2013, that is estimated to cost in excess of $1,000,000,000 and is intended to be primarily utilized to support the nuclear weapons activities of the National Nuclear Security Administration.

(2) The Chemistry and Metallurgy Research Building Replacement project, Los Alamos, New Mexico.

(3) The Uranium Processing Facility project, Oak Ridge, Tennessee.

(c) TREATMENT AS MILITARY CONSTRUCTION PROJECTS.—In the case of the construction projects of the National Nuclear Security Administration specified in subsection (b), the projects are deemed to be military construction projects to be carried out with respect to a military installation and therefore subject to the following:

(1) The advance-project authorization requirement of section 2802(a) of title 10, United States Code, and other requirements of chapter 169 of such title related to military construction projects carried out by the Secretary of Defense with respect to the Defense Agencies.

(2) Annual Acts authorizing military construction projects (and authorizing the appropriation of funds therefor) for a fiscal year.

(d) MILITARY CONSTRUCTION AUTHORIZATION FOR CERTAIN DEFENSE NUCLEAR FACILITY

PROJECTS.—The Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations, and in the amounts, set forth in the following table:

Defense Nuclear Facility Projects

State	Installation or Location	Amount
New Mexico	Los Alamos	$3,500,000,000
Tennessee	Oak Ridge	$4,200,000,000

(e) REGULATION, REQUIREMENTS, AND COORDINATION.—For each project specified in subsection (b)—

(1) the Administrator for Nuclear Security of the National Nuclear Security Administration and the Secretary of Energy shall retain authority to regulate design and construction activities pursuant to the Atomic Energy Act and other applicable laws;

(2) the Secretary of Defense shall coordinate with the Administrator for Nuclear Security regarding requirements for the facility; and

(3) the Administrator for Nuclear Security shall make available to the Secretary of Defense the expertise of the National Nuclear Security Administration to support design and construction activities.

(f) TRANSFER OF FACILITIES.—Upon completion of construction of a project specified in subsection (b), the Secretary of Defense shall negotiate with the Administrator for Nuclear Security of the National Nuclear Security Administration to transfer the constructed facility to the authority of the Administrator for operations.

(g) SENSE OF CONGRESS.—It is the sense of Congress that during fiscal year 2014 and thereafter, the budgetary authority provided by the Secretary of Defense to the Administrator for Nuclear Security of the National Nuclear Security Administration under the memorandum described in subsection (a)(1) should be reduced by the amount needed to fund the design and construction of the projects specified in paragraphs (2) and (3) of subsection (b).

(h) INFORMATION TRANSFER AND LEGAL EFFECT OF TRANSFER.—Not later than September 30, 2013, the Administrator for Nuclear Security of the National Nuclear Security Administration shall transfer to the Secretary of Defense all information in the possession of the Administrator related to architectural and engineering services and construction design for the construction projects specified in subsection (b). All environmental impact statements and legal rulings in effect before that date related to the projects shall be considered valid upon transfer of responsibility for the projects to the Secretary of Defense under subsection (c).

(i) EFFECTIVE DATE.—This section shall apply to the construction projects specified in subsection (b) effective for fiscal year 2014 and fiscal years thereafter.

SEC. 2805. EXECUTION OF CHEMISTRY AND METALLURGY RESEARCH BUILDING REPLACEMENT NUCLEAR FACILITY AND LIMITATION ON ALTERNATIVE PLUTONIUM STRATEGY.

(a) POLICY.—It is the policy of the United States to create and sustain the capability to produce plutonium pits for nuclear weapons, and to ensure sufficient plutonium pit production capacity, to respond to technical challenges in the existing nuclear weapons stockpile or geopolitical developments.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) successful and timely construction of the Chemistry and Metallurgy Research Building Replacement nuclear facility in Los Alamos, New Mexico, is critical to achieving the policy expressed in subsection (a) and that such facility should achieve full operational capability by fiscal year 2024;

(2) prior-year funds for the Chemistry and Metallurgy Research Building Replacement nuclear facility, up to $160,000,000 being available, should be applied to continue design and construction of this facility in fiscal year 2013; and

(3) during fiscal year 2014 and thereafter, the budgetary authority provided by the Secretary of Defense to the Administrator for Nuclear Security of the National Nuclear Security Administration under the memorandum of agreement between the Secretary of Defense and the Secretary of Energy dated May 2010 should be reduced by the amount needed to fund the design and construction of the Chemistry and Metallurgy Research Building Replacement nuclear facility under the military construction authorities provided in section 2804.

(c) FUTURE BUDGET REQUESTS.—The Secretary of Defense, in coordination with the Administrator for Nuclear Security of the National Nuclear Security Administration, shall request such funds in fiscal year 2014 and subsequent fiscal years under the military construction authorities of section 2804 to ensure the Chemistry and Metallurgy Research Building Replacement nuclear facility achieves full operational capability by fiscal year 2024.

(d) LIMITATION ON ALTERNATIVE PLUTONIUM STRATEGY.—No funds authorized to be appropriated by this Act or any other Act may be obligated or expended on any activities associated with a plutonium strategy for the National Nuclear Security Administration that does not include achieving full operational capability of the Chemistry and Metallurgy Research Building Replacement nuclear facility by fiscal year 2024.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. AUTHORITY OF MILITARY MUSEUMS TO ACCEPT GIFTS AND SERVICES AND TO ENTER INTO LEASES AND COOPERATIVE AGREEMENTS.

(a) MUSEUM SUPPORT AUTHORITY.—Chapter 155 of title 10, United States Code, is amended by inserting after section 2608 the following new section:

"§2609. Military museum programs: acceptance of gifts and other support

''(a) ACCEPTANCE OF SERVICES.—Notwithstanding section 1342 of title 31, the Secretary concerned may accept services from a nonprofit entity to support a military museum program under the jurisdiction of the Secretary.

''(b) LIMITATION ON USE OF GIFT FUNDS.—A gift made for the purpose of assisting in the development, operation, maintenance, or management of, or for the acquisition of collections for, a military museum program and deposited into one of the general gift funds specified in section 2601(c) of this title shall be available only for the military museum program and the purpose for which the gift was made.

''(c) SOLICITATION OF GIFTS.—Under regulations prescribed under this section, the Secretary concerned may solicit from any person or public or private entity, for the use and benefit of a military museum program, a gift of books, manuscripts, works of art, historical artifacts, drawings, plans, models, condemned or obsolete combat materiel, or other personal property.

''(d) LEASING AUTHORITY.—(1) In accordance with section 2667 of this title, the Secretary concerned may lease real and personal property of a military museum program to a nonprofit entity for purposes related to the military museum program.

''(2) A lease under this subsection may not include any part of the collection of a military museum program.

''(e) COOPERATIVE AGREEMENTS.—The Secretary concerned may enter into a cooperative agreement with a nonprofit entity for purposes related to support of a military museum program.

''(f) EMPLOYEE STATUS.—For purposes of this section, employees or personnel of a nonprofit entity may not be considered to be employees of the United States.

''(g) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations to implement this section. The regulations shall apply uniformly throughout the Department of Defense.

''(2) The regulations shall provide that solicitation of a gift, acceptance of a gift (including a gift of services), or use of a gift under this section may not occur if the nature or circumstances of the solicitation, acceptance, or use would compromise the integrity or the appearance of integrity of any program of the Department of Defense or any individual involved in such program.

''(h) DEFINITIONS.—In this section:

''(1) The term 'military museum program' may include an individual museum.

''(2) The term 'nonprofit entity' means an exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 whose primary purpose is supporting a military museum program.

''(3) The term 'Secretary concerned' includes the Secretary of Defense with respect to matters concerning the Defense Agencies.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2608 the following new item:

''2609. Military museum programs: acceptance of gifts and other support.''.

SEC. 2812. CLARIFICATION OF PARTIES WITH WHOM DEPARTMENT OF DEFENSE MAY CONDUCT EXCHANGES OF REAL PROPERTY AT CERTAIN MILITARY INSTALLATIONS.

Section 2869(a)(1) of title 10, United States Code, is amended—

(1) by striking ''any eligible entity'' and inserting ''any person'';

(2) by striking ''the entity'' and inserting ''the person''; and

(3) by striking ''their control'' and inserting ''the person's control''.

SEC. 2813. INDEMNIFICATION OF TRANSFEREES OF PROPERTY AT ANY CLOSED MILITARY INSTALLATION.

Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2687 note) is amended—

(1) in subsection (a)(1), by striking ''pursuant to a base closure law'' and inserting ''after October 24, 1988, the date of the enactment of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note)''; and

(2) in subsection (f), by striking paragraph (3).

SEC. 2814. IDENTIFICATION REQUIREMENT FOR ENTRY ON MILITARY INSTALLATIONS.

(a) IDENTIFICATION REQUIREMENT FOR MILITARY INSTALLATIONS.—

(1) MINIMUM IDENTIFICATION REQUIRED.—

(A) IN GENERAL.—Beginning on the day that is 120 days after the date of the enactment of

this Act, the Secretary concerned may not permit a person who is 18 years old or older to enter a military installation in the United States unless such person presents, as determined by an authentication procedure that meets the minimum procedural requirements identified by the Secretary of Defense in paragraph (4), at a minimum—

(i) a valid Federal or State government issued photo identification card;

(ii) a valid Common Access Card; or

(iii) a valid uniformed services identification card.

(B) EXCEPTION FOR CERTAIN FOREIGN PASSPORTS.—The Secretary concerned may permit a person to enter a military installation in the United States if such person presents a valid foreign passport, as determined by an authentication procedure that meets the minimum procedural requirements identified by the Secretary of Defense in paragraph (4), if—

(i) such person is visiting such military installation on official business between the Armed Forces and the armed forces of a foreign country; or

(ii) such person is visiting a member of the uniformed services or a civilian employee of the Department of Defense on such military installation.

(2) EXPIRED OR FRAUDULENT IDENTIFICATION.—The Secretary concerned shall confiscate any form of identification that the Secretary determines, using an authentication procedure that meets the minimum procedural requirements identified by the Secretary of Defense in paragraph (4), to be expired or fraudulent.

(3) COORDINATION AMONG MILITARY INSTALLATIONS OF A STATE.—The Secretary concerned shall keep a list and shall inform the personnel at any other military installation in the State of such military installation of the name of any person—

(A) who attempts to help a person required to present a valid form of identification under paragraph (1) to enter a military installation in the United States without such required identification; or

(B) who attempts to enter a military installation military installation in the United States with a form of identification that the Secretary concerned determines to be expired or fraudulent under paragraph (2).

(4) PROCEDURAL REQUIREMENTS FOR IDENTIFICATION VERIFICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall identify the minimum procedural requirements for the Secretary concerned to authenticate the forms of identification in paragraph (1) for a person entering a military installation in the United States. In identifying such requirements, the Secretary of Defense shall identify minimum procedural requirements to ensure that individuals who need to enter a military installation in the United States to perform work under a contract awarded by the Department of Defense present a valid form of identification under paragraph (1).

(b) DEFINITIONS.—

(1) COMMON ACCESS CARD.—In this section, the term ''Common Access Card'' means the standard identification card issued by the Secretary of Defense to active-duty military personnel, Selected Reserve personnel, Department of Defense civilian employees, and certain persons awarded contracts by the Secretary of Defense.

(2) SECRETARY CONCERNED.—In this section, the term ''Secretary concerned'' has the meaning given the term in section 101(a) of title 10, United States Code.

(3) UNIFORMED SERVICES IDENTIFICATION CARD.—In this section, the term ''uniformed services identification card'' means the identification card issued by the Secretary of Defense to spouses and other eligible dependents of members of the uniformed services and other eligible persons, as determined by the Secretary of Defense.

SEC. 2815. PLAN TO PROTECT CRITICAL DEPARTMENT OF DEFENSE CRITICAL ASSETS FROM ELECTROMAGNETIC PULSE WEAPONS.

(a) PLAN REQUIRED.—Not later than September 1, 2013, the Secretary of the Defense shall submit to the congressional defense committees a plan to protect defense critical assets under the jurisdiction of the Department of Defense, and critical equipment at military installations, from the adverse effects of electromagnetic pulse and high-powered microwave weapons.

(b) PREPARATION AND ELEMENTS OF PLAN.—In preparing the plan required by subsection (a), the Secretary of Defense shall utilize the guidance and recommendations of the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack established by section 1401 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–345). The plan shall include the following elements:

(1) An assessment of overall military installation protection from electromagnetic pulse and high-powered microwave weapons.

(2) A listing of defense critical assets.

(3) An assessment of the adequacy of each defense critical asset, to include the backup power capabilities of the defense critical asset, to withstand attack currently and a description and a cost estimate for each project to improve, repair, renovate, or modernize defense critical assets for which any deficiency is identified in the assessment.

(4) A list of projects, costs, and timelines through the future-years defense program to meet the requirements to overcome deficiencies identified under paragraph (3) for all defense critical assets.

(5) A list of civilian critical infrastructures upon which a defense critical asset depends (electricity, water, telecommunications, etc) that, if rendered inoperable by electromagnetic pulse or high-powered microwave weapons, would compromise the function of a defense critical asset.

(c) FORM OF SUBMISSION.—The plan required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFENSE CRITICAL ASSET.—In this section, the term ''defense critical asset'' means an asset of such extraordinary importance to operations in peace, crisis, and war that its incapacitation or destruction would have a very serious debilitating effect on the ability of the Department of Defense to fulfill its missions.

Subtitle C—Energy Security

SEC. 2821. CONGRESSIONAL NOTIFICATION FOR CONTRACTS FOR THE PROVISION AND OPERATION OF ENERGY PRODUCTION FACILITIES AUTHORIZED TO BE LOCATED ON REAL PROPERTY UNDER THE JURISDICTION OF A MILITARY DEPARTMENT.

Section 2662(a)(1) of title 10, Untied States Code, is amended by adding at the end the following new subparagraph:

''(H) Any transaction or contract action for the provision and operation of energy production facilities on real property under the jurisdiction of the Secretary of a military department, as authorized by section 2922a(a)(2) of this title, if the term of the transaction or contract exceeds 20 years.''.

SEC. 2822. CONTINUATION OF LIMITATION ON USE OF FUNDS FOR LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) GOLD OR PLATINUM CERTIFICATION AND EXPANSION TO INCLUDE IMPLEMENTATION OF ASHRAE BUILDING STANDARD 189.1.

Section 2830(b) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1695) is amended—

(1) in the subsection heading, by inserting after ''AND ASHRAE IMPLEMENTATION'' after ''CERTIFICATION''; and

(2) in paragraph (1)—

(A) by striking ''authorized to be'';

(B) by striking ''by this Act'';

(C) by inserting ''or 2013'' after ''fiscal year 2012''; and

(D) by inserting before the period at the end the following: ''and implementing ASHRAE building standard 189.1''.

SEC. 2823. AVAILABILITY AND USE OF DEPARTMENT OF DEFENSE ENERGY COST SAVINGS TO PROMOTE ENERGY SECURITY.

Section 2912(b)(1) of title 10, United States Code, is amended by inserting after ''additional energy conservation'' the following: ''and energy security''.

Subtitle D—Provisions Related to Guam Realignment

SEC. 2831. USE OF OPERATION AND MAINTENANCE FUNDING TO SUPPORT COMMUNITY ADJUSTMENTS RELATED TO REALIGNMENT OF MILITARY INSTALLATIONS AND RELOCATION OF MILITARY PERSONNEL ON GUAM.

(a) TEMPORARY ASSISTANCE AUTHORIZED.—

(1) ASSISTANCE TO GOVERNMENT OF GUAM.—Using funds made available under subsection (c), the Secretary of Defense may assist the Government of Guam in meeting the costs of providing increased municipal services and facilities required as a result of the realignment of military installations and the relocation of military personnel on Guam (in this section referred to as the ''Guam realignment'') if the Secretary determines that an unfair and excessive financial burden will be incurred by the Government of Guam to provide the services and facilities in the absence of the Department of Defense assistance.

(2) MITIGATION OF IDENTIFIED IMPACTS.—The Secretary of Defense may take such actions as the Secretary considers to be appropriate to mitigate the significant impacts identified in the Record of Decision of the ''Guam and CNMI Military Relocation Environmental Impact Statement'' by providing increased municipal services and facilities to activities that directly support the Guam realignment.

(b) METHODS OF PROVIDING ASSISTANCE.—

(1) USE OF EXISTING PROGRAMS.—The Secretary of Defense shall carry out subsection (a) through existing Federal programs supporting the Government of Guam and the Guam realignment, whether or not the programs are administered by the Department of Defense or another Federal agency.

(2) COST SHARE ASSISTANCE.—The Secretary may assist the Government of Guam to any cost-sharing obligation imposed on the Government of Guam under any Federal program utilized by the Secretary under paragraph (1).

(c) SOURCE OF FUNDS.—

(1) TRANSFER AUTHORITY.—To the extent necessary to carry out subsection (a), the Secretary may transfer appropriated funds available to the Department of Defense or a military department for operation and maintenance to a different account of the Department of Defense or another Federal agency in order to make funds available to the Government of Guam under a Federal program utilized by the Secretary under subsection (b)(1). Amounts so transferred shall be merged with the appropriation to which transferred and shall be available only for the purpose of assisting the Government of Guam as described in subsection (a).

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to the transfer authority provided by section 1001.

(d) PROGRESS REPORTS REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives semiannual reports indicating the total amount expended under the authority of this section during the preceding six-month period, the specific projects for which assistance was provided during such period, and

the total amount provided for each project during such period.

(e) TERMINATION.—The authority to provide assistance under this section expires September 30, 2020. Amounts obligated on or before that date may be expended after that date.

SEC. 2832. CERTIFICATION OF MILITARY READINESS NEED FOR FIRING RANGE ON GUAM AS CONDITION ON ESTABLISHMENT OF RANGE.

A firing range on Guam may not be established (including any construction or lease of lands related to such establishment) until the Secretary of Defense certifies to the congressional defense committees that there is a national security need for the firing range related to readiness of the Armed Forces assigned to the United States Pacific Command.

SEC. 2833. REPEAL OF CONDITIONS ON USE OF FUNDS FOR GUAM REALIGNMENT.

Section 2207(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1668) is amended—

(1) in paragraph (2), by inserting ''and'' after the semicolon;

(2) by striking paragraphs (3) and (4); and

(3) by redesignating paragraph (5) as paragraph (3).

Subtitle E—Land Conveyances

SEC. 2841. MODIFICATION TO AUTHORIZED LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.

(a) CHANGE IN OFFICER AUTHORIZED TO CARRY OUT CONVEYANCES.—Subsection (a) of section 2851 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1697) is amended—

(1) in paragraph (1), by striking ''The Secretary of the Air Force may, in consultation with the Secretary of the Interior'' and inserting ''The Secretary of the Interior may, in consultation with the Secretary of the Air Force''; and

(2) in paragraph (2)—

(A) by striking ''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 inserting ''The Secretary of the Interior may, in consultation with the Secretary of the Air Force, upon terms mutually agreeable to the Secretary of the Interior''; and

(B) by striking ''in consultation with the Secretary of the Interior'' the second place it appears and inserting ''in consultation with the Secretary of the Air Force''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a)(3), by inserting ''of the Interior'' after ''Secretary'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''The Secretary of the Air Force'' and inserting ''The Secretary of the Interior'';

(ii) by striking ''the Secretary'' the first place it appears and inserting ''the Secretary of the Interior and the Secretary of the Air Force''; and

(iii) by striking ''the Secretary'' in each other place it appears and inserting ''the Secretaries''; and

(B) in paragraph (2), by striking ''the Secretary'' and inserting ''the Secretaries''; and

(3) in subsections (e) and (f), by inserting ''of the Interior'' after ''Secretary''.

(c) TECHNICAL AMENDMENT.—Subsection (a)(1) of such section is further amended by striking ''JBER'' and inserting ''Joint Base Elmendorf Richardson, Alaska (in this section referred to as 'JBER')''.

SEC. 2842. MODIFICATION OF FINANCING AUTHORITY, BROADWAY COMPLEX OF THE DEPARTMENT OF THE NAVY, SAN DIEGO, CALIFORNIA.

Subsection (a) of section 2732 of the Military Construction Authorization Act, 1987 (division B of Public 99–661; 100 Stat. 4046) is amended to read as follows:

''(a) IN GENERAL.—(1) Subject to subsections (b) through (g), the Secretary of the Navy may enter into long-term leases of real property located within the Broadway Complex of the Department of the Navy, San Diego, California.

''(2) Subject to subsections (b) through (g), the Secretary may assist any lessee of real property described in paragraph (1) in financing the construction by the lessee of any facility on such real property or otherwise within the boundaries of the metropolitan San Diego, California, area.''.

SEC. 2843. LAND CONVEYANCE, JOHN KUNKEL ARMY RESERVE CENTER, WARREN, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Village of Lordstown, Ohio (in this section referred to as the ''Village''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 6.95 acres and containing the John Kunkel Army Reserve Center located at 4967 Tod Avenue in Warren, Ohio, for the purpose of permitting the Village to use the parcel for public purposes.

(b) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed to the Village, the Secretary may lease the property to the Village.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Village to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Village 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 conveyance, the Secretary shall refund the excess amount to the Village.

(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) CONDITIONS OF CONVEYANCE.—The conveyance of the real property under subsection (a) shall be subject to the following conditions:

(1) That the Village not use any Federal funds to cover any portion of the conveyance costs required by subsection (c) to be paid by the Village or to cover the costs for the design or construction of any facility on the property.

(2) That the Village begin using the property for public purposes before the end of the five-year period beginning on the date of conveyance.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. LAND CONVEYANCE, CASTNER RANGE, FORT BLISS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—

(1) CONVEYANCE AUTHORITY.—The Secretary of the Army may convey, without consideration, to the Parks and Wildlife Department of the State of Texas (in this section referred to as the ''Department'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 7,081 acres at Fort Bliss, Texas, for the purpose of permitting the Department to establish and operate a park as an element of the Franklin Mountains State Park.

(2) PIECEMEAL CONVEYANCES.—In anticipation of the conveyance of the entire parcel of real property described in paragraph (1), the Secretary may subdivide the parcel and convey to the Department portions of the real property as the Secretary determines that the condition of the real property is compatible with the Department's intended use of the property.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Department 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 conveyance under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Department 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 Department. This paragraph does not apply to costs associated with the environmental remediation of the property to be conveyed.

(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.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) 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. 2845. MODIFICATION OF LAND CONVEYANCE, FORT HOOD, TEXAS.

Section 2848(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2140) is amended by striking ''for the sole purpose'' and all that follows through ''Central Texas.'' and inserting the following: ''for the purpose of permitting the University System to use the property—

''(1) for the establishment of a State-supported university, separate from other universities of the University System, designated as Texas A&M University, Central Texas; and

''(2) for such other educational and related purposes as the University System considers to be appropriate and the Secretary of the Army determines to be compatible with military activities in the vicinity of the property.''.

SEC. 2846. TRANSFER OF ADMINISTRATIVE JURISDICTION, FORT LEE MILITARY RESERVATION AND PETERSBURG NATIONAL BATTLEFIELD, VIRGINIA.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM SECRETARY OF THE ARMY.—The Secretary of the Army shall transfer to the Secretary of the Interior, without reimbursement, administrative jurisdiction over a parcel of land at Fort Lee Military Reservation consisting of approximately 1.171 acres and depicted as ''Area to be transferred to Petersburg National Battlefield'' on the map titled ''Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction'', numbered 325/80,801A, and dated May 2011. The Secretary of the Interior shall include the land transferred under this subsection within the boundary of Petersburg National Battlefield and administer the land as part of the park in accordance with laws and regulations applicable to the park.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION TO SECRETARY OF THE ARMY.—The Secretary of the Interior shall transfer to the Secretary of the Army, without reimbursement, administrative jurisdiction over a parcel of land consisting of approximately 1.170 acres and depicted as ''Area to be transferred to Fort Lee Military Reservation'' on the map referred to in subsection (a).

(c) AVAILABILITY OF MAP.—The map referred to in subsection (a) shall be available for public inspection in the appropriate offices of the National Park Service.

Subtitle F—Other Matters

SEC. 2861. INCLUSION OF RELIGIOUS SYMBOLS AS PART OF MILITARY MEMORIALS.

(a) AUTHORITY.—Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

''§ 2115. Inclusion of religious symbols as part of military memorials

''(a) INCLUSION OF RELIGIOUS SYMBOLS AUTHORIZED.—To recognize the religious background of members of the United States Armed Forces, religious symbols may be included as part of—

''(1) a military memorial that is established or acquired by the United States Government; or

''(2) a military memorial that is not established by the United States Government, but for which the American Battle Monuments Commission cooperated in the establishment of the memorial.

''(b) MILITARY MEMORIAL DEFINED.—In this section, the term 'military memorial' means a memorial or monument commemorating the service of the United States Armed Forces. The term includes works of architecture and art described in section 2105(b) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2115. Inclusion of religious symbols as part of military memorials.''.

SEC. 2862. REDESIGNATION OF THE CENTER FOR HEMISPHERIC DEFENSE STUDIES AS THE WILLIAM J. PERRY CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) REDESIGNATION.—The Department of Defense regional center for security studies known as the Center for Hemispheric Defense Studies is hereby renamed the ''William J. Perry Center for Hemispheric Defense Studies''.

(b) CONFORMING AMENDMENTS.—(1) Section 184 of title 10, United States Code, is amended—

(A) in subsection (b)(2)(C), by striking ''The Center for Hemispheric Defense Studies'' and inserting ''The William J. Perry Center for Hemispheric Defense Studies''; and

(B) in subsection (f)(5), by striking ''the Center for Hemispheric Defense Studies'' and inserting ''the William J. Perry Center for Hemispheric Defense Studies''.

(2) Section 2611(a)(2)(C) of such title is amended by striking ''The Center for Hemispheric Defense Studies.'' and inserting ''The William J. Perry Center for Hemispheric Defense Studies.''.

(c) REFERENCES.—Any reference to the Department of Defense Center for Hemispheric Defense Studies in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the William J. Perry Center for Hemispheric Defense Studies.

SEC. 2863. SENSE OF CONGRESS REGARDING ESTABLISHMENT OF MILITARY DIVERS MEMORIAL AT WASHINGTON NAVY YARD.

It is the sense of Congress that the Secretary of the Navy should provide an appropriate site at the former Navy Dive School at the Washington Navy Yard for a memorial, to be paid for with private funds, 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, so long as the Secretary of the Navy has exclusive authority to approve the design and site of the memorial.

SEC. 2864. GOLD STAR MOTHERS NATIONAL MONUMENT, ARLINGTON NATIONAL CEMETERY.

(a) ESTABLISHMENT.—The Secretary of the Army shall permit the Gold Star Mothers National Monument Foundation (a nonprofit corporation established under the laws of the District of Columbia) to establish an appropriate monument in Arlington National Cemetery or on Federal land in its environs under the jurisdiction of the Department of the Army to commemorate the sacrifices made by mothers, and made by their sons and daughters who as members of the Armed Forces make the ultimate sacrifice, in defense of the United States. The monument shall be known as the ''Gold Star Mothers National Monument''.

(b) PAYMENT OF EXPENSES.—The Gold Star Mothers National Monument Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the monument, and no Federal funds may be used to pay such expenses.

SEC. 2865. NAMING OF TRAINING AND SUPPORT COMPLEX, FORT BRAGG, NORTH CAROLINA.

(a) NAMING.—The complex located on Fort Bragg, North Carolina, currently referred to as ''Patriot Point'', shall be known and designated as the ''Colonel Robert Howard Training and Support Complex''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the complex referred to in subsection (a) shall be deemed to be a reference to the ''Colonel Robert Howard Training and Support Complex''.

SEC. 2866. NAMING OF ELECTROCHEMISTRY ENGINEERING FACILITY, NAVAL SUPPORT ACTIVITY CRANE, CRANE, INDIANA.

(a) NAMING.—The electrochemistry engineering facility on Naval Support Activity Crane, Crane, Indiana, shall be known and designated as the ''John Hostettler Electrochemistry Engineering Facility''.

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

SEC. 2867. RETENTION OF CORE FUNCTIONS OF THE ELECTRONIC SYSTEMS CENTER AT HANSCOM AIR FORCE BASE, MASSACHUSETTS.

The Secretary of the Air Force shall retain the core functions of the Electronic Systems Center at Hanscom Air Force Base, Massachusetts, with the same integrated mission elements, responsibilities, and capabilities as existed as of November 1, 2011, until such time as such integrated mission elements, responsibilities, and capabilities are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

SEC. 2868. RETENTION OF CORE FUNCTIONS OF THE AIR FORCE MATERIEL COMMAND, WRIGHT-PATTERSON AIR FORCE BASE, OHIO.

The Secretary of the Air Force shall retain the core functions of the Air Force Materiel Command that exist at Wright-Patterson Air Force Base, Ohio, as of November 1, 2011, until such time as such core functions are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Navy 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:

Navy: Outside the United States

Country	Installation or Location	Amount
SW Asia	SW Asia	$51,348,000
Djibouti	Camp Lemonier	$99,420,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction projects outside the United States authorized by subsection (a) as specified in the funding table in section 4602.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 13-D-301, Electrical Infrastructure Upgrades, Lawrence Livermore National Laboratory, Livermore, California, and Los Alamos National Laboratory, Los Alamos, New Mexico, $23,000,000.

Project 13-D-905, Remote-Handled Low-Level Waste Disposal Project, Idaho National Laboratory, $8,890,000.

Project 13-D-904, Kesselring Site Radiological Work and Storage Building, Kesselring Site, West Milton, New York, $2,000,000.

Project 13-D-903, Kesselring Site Prototype Staff Building, Kesselring Site, West Milton, New York, $14,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 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 2013 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for energy security and assurance programs necessary for national security as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. AUTHORIZED PERSONNEL LEVELS OF THE OFFICE OF THE ADMINISTRATOR.

(a) CAP ON FULL-TIME EQUIVALENT POSITIONS.—

(1) IN GENERAL.—The National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.) is amended by inserting after section 3241 the following new section:

"SEC. 3241A. AUTHORIZED PERSONNEL LEVELS OF THE OFFICE OF THE ADMINISTRATOR.

''(a) FULL-TIME EQUIVALENT PERSONNEL LEVELS.—(1) Beginning 180 days after the date of the enactment of this section, the total number of employees of the Office of the Administrator of the Administration may not exceed 1,730.

''(2) Beginning October 1, 2014, the total number of employees of the Office of the Administrator may not exceed 1,630.

''(b) COUNTING RULE.—(1) A determination of the number of employees in the Office of the Administrator under subsection (a) shall be expressed on a full-time equivalent basis.

''(2) Except as provided by paragraph (3), in determining the total number of employees in the Office of the Administrator under subsection (a), the Administrator shall count each employee of the Office without regard to whether the employee is located at the headquarters of the Administration, a site office of the Administration, a service or support center of the Administration, or any other location.

''(3) The following employees may not be counted for purposes of determining the total number of employees in the Office of the Administrator under subsection (a):

''(A) Employees of the Office of Naval Reactors.

''(B) Employees of the Office of Secure Transportation.

''(C) Members of the Armed Forces detailed to the Administration.

''(c) VOLUNTARY EARLY RETIREMENT.—In accordance with section 3523 of title 5, United States Code, the Administrator may offer voluntary separation or retirement incentives to meet the total number of employees authorized under subsection (a).

''(d) WORK PLACEMENT PROGRAM.—The Administrator shall establish a work placement program to assist employees of the Administration who are separated from service pursuant to this section find new employment.''.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3241 the following new item:

''Sec. 3241A. Authorized personnel levels of the Office of the Administrator.''.

(b) INCREASE IN EXCEPTED POSITIONS.—Section 3241 of the National Nuclear Security Administration Act (50 U.S.C. 2441) is amended by striking ''300'' and inserting ''450''.

(c) REPORTS.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a report—

(A) describing the criteria and processes used to implement the personnel levels required by section 3241A of the National Nuclear Security Administration Act, as added by subsection (a);

(B) detailing the realized and expected cost savings within the Office of the Administrator and the nuclear security enterprise resulting from such personnel reductions and the transition to performance-based governance, management, and oversight pursuant to section 3265 of such Act, as added by section 3113;

(C) describing any impacts such personnel reductions have had or will have on the ability of the Administration to perform the mission of the Administration safely, securely, effectively, and efficiently;

(D) assessing various levels of further personnel reductions, including reductions of 10 percent, 15 percent, and 50 percent, on the ability of the Administration to perform the mission of the Administration safely, securely, effectively, and efficiently;

(E) recommending any further efficiencies and personnel reductions that should be made as a result of such transition pursuant to such section 3265, including an implementation plan and schedule for achieving such efficiencies and reductions; and

(F) assessing the salary and wage structure of the Office of the Administrator and the management and operating contractors of the nuclear security enterprise, as well as the status and effectiveness of contractor assurance systems across the nuclear security enterprise.

(2) ASSESSMENT.—Not later than 180 days after the date on which the report under paragraph (1) is submitted, the Comptroller General of the United States shall submit to the congressional defense committees an assessment of such report.

SEC. 3112. BUDGET JUSTIFICATION MATERIALS.

Section 3251(b) of the National Nuclear Security Administration Act (50 U.S.C. 2451) is amended—

(1) by striking ''In the'' and inserting ''(1) In the''; and

(2) by adding at the end the following new paragraph:

''(2) In the budget justification materials submitted to Congress in support of each such budget, the Administrator shall include an assessment of how the budget maintains the core nuclear weapons skills of the Administration, including nuclear weapons design, engineering, production, testing, and prediction of stockpile aging.''.

SEC. 3113. CONTRACTOR GOVERNANCE, OVERSIGHT, AND ACCOUNTABILITY.

(a) OVERSIGHT OF CONTRACTORS.—

(1) IN GENERAL.—The National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.) is amended by adding after section 3264 the following new section:

"SEC. 3265. CONTRACTOR GOVERNANCE, OVERSIGHT, AND ACCOUNTABILITY.

''(a) PERFORMANCE-BASED CONTRACTOR GOVERNANCE, MANAGEMENT, AND OVERSIGHT.—(1) The Administrator shall establish a system of governance, management, and oversight of covered contractors.

''(2) The system established under paragraph (1) shall—

''(A) include clear, consistent, and auditable performance-based standards relating to the mission effectiveness and operations of a covered contractor;

''(B) ensure that the governance, management, and oversight of the mission effectiveness and operations of a covered contractor is conducted pursuant to national and international standards and best practices;

''(C) recognize the respective roles of—

''(i) the Federal Government in determining the performance-based standards with respect to high-level mission and operations performance objectives; and

''(ii) a covered contractor, particularly a contractor that is a federally funded research and development corporation, in determining how to accomplish such objectives;

''(D) conduct oversight based on outcomes and performance-based standards rather than detailed, transaction-based oversight; and

''(E) include appropriate measures to ensure that the Administrator has accurate and consistent data and information to manage and make decisions with respect to the nuclear security enterprise.

''(3)(A) The Administrator may exempt individual areas of governance, management, and oversight from the requirements of the system established under paragraph (1) and continue to conduct transaction-based oversight if the Administrator determines that such exemption is necessary to ensure the national security or the safety, security, or performance of the Administration.

''(B) If the Administrator makes an exemption under subparagraph (A), the Administrator shall annually submit to the congressional defense committees a certification for each such exemption, including a description of why such exemption is needed.

''(C) During the three-year period beginning on the date of the enactment of this section, the Administrator may temporarily exempt individual facilities or contractors from the system established under paragraph (1) and continue to conduct transaction-based oversight if the Administrator determines that such exemption is needed to ensure that robust contractor assurance, accountability, and performance-based oversight mechanisms are in place for such facility or contractor.

''(D) If the Administrator makes an exemption under subparagraph (C), the Administrator shall annually submit to the congressional defense committees a written justification for such exemption and a plan and schedule to transition the exempted facility or contractor to the system established under paragraph (1).

''(b) CONTRACTOR ACCOUNTABILITY.—The Administrator shall—

''(1) ensure that each management and operating contract includes robust mechanisms to ensure the accountability of a covered contractor; and

''(2) exercise such mechanisms as the Administrator determines appropriate to ensure the performance of the covered contractor.

''(c) DEFINITIONS.—In this section:

''(1) The term 'covered contractor' means a contractor who enters into a management and operating contract.

''(2) The term 'management and operating contract' means a contract entered into by the Administrator and a contractor to manage and operate a Government-owned, contractor-operated facility.

''(3) The term 'performance-based standards', with respect to a covered contract, means that the contract includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.''.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3264 the following new item:

''Sec. 3265. Contractor governance, oversight, and accountability.''.

(b) REPORTS.—Not later than January 15, 2013, and each year thereafter through 2016, the Administrator shall submit to the congressional defense committees a report that includes—

(1) a description of each instance during the previous calendar year in which the Administrator, or any other head of an agency of the Federal Government, used a procedure, standard, or process for governance, management, and oversight of a covered contract (as defined in section 3265(d)(1) of the National Nuclear Security Administration Act, as added by subsection (a)(1)) that is not a procedure, standard, or process that conforms to national or international standards or industry best practices;

(2) an explanation of why such procedure, standard, or process was used during such year and any steps that will be taken by the Administrator or other head of an agency, as the case may be, in future years to instead use a procedure, standard, or process that conforms to national or international standards or industry best practices; and

(3) a description of any oversight activities by any agency of the Federal Government that occurred during the previous calendar year that the Administrator considers duplicative or unnecessary.

SEC. 3114. NATIONAL NUCLEAR SECURITY ADMINISTRATION COUNCIL.

(a) NNSA COUNCIL.—Section 4102 of the Atomic Energy Defense Act (50 U.S.C. 2512) is amended to read as follows:

''SEC. 4102. MANAGEMENT STRUCTURE FOR NUCLEAR SECURITY ENTERPRISE.

''(a) IN GENERAL.—The Administrator shall establish a management structure for the nuclear security enterprise in accordance with the National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.).

''(b) NATIONAL NUCLEAR SECURITY ADMINISTRATION COUNCIL.—(1) The Administrator shall establish a council to be known as the 'National Nuclear Security Administration Council'. The Council may advise the Administrator on scientific and technical issues relating to policy matters, operational concerns, strategic planning, and the development of priorities relating to the mission and operations of the Administration and the nuclear security enterprise.

''(2) The Council shall be composed of the directors of the national security laboratories and the nuclear weapons production facilities.

''(3) The Council may provide the Administrator or the Secretary of Energy recommendations for improving the—

''(A) governance, management, effectiveness, and efficiency of the Administration; and

''(B) any other matter in accordance with paragraph (1).

''(4) Not later than 60 days after the date on which any recommendation under paragraph (3) is received, the Administrator or the Secretary, as the case may be, shall respond to the Council with respect to whether such recommendation will be implemented and the reasoning for implementing or not implementing such recommendation.''.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4102 and inserting the following new item:

''Sec. 4102. Management structure for nuclear security enterprise.''.

SEC. 3115. SAFETY, HEALTH, AND SECURITY OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) SECURITY OF ASSETS AND INFORMATION.—

(1) IN GENERAL.—Section 3231 of the National Nuclear Security Administration Act (50 U.S.C. 2421) is amended to read as follows:

''SEC. 3231. PROTECTION OF SPECIAL NUCLEAR MATERIAL AND NATIONAL SECURITY INFORMATION.

''(a) POLICIES AND PROCEDURES REQUIRED.—The Administrator shall establish policies and procedures to ensure the protection of—

''(1) special nuclear material and other sensitive physical assets of the Administration; and

''(2) classified information in the possession of the Administration.

''(b) PROMPT REPORTING.—The Administrator shall establish procedures to ensure prompt reporting to the Administrator of any significant problem, abuse, violation of law or Executive order, or deficiency relating to the—

''(1) protection of the special nuclear material and other sensitive physical assets of the Administration; and

''(2) management of classified information by personnel of the Administration.''.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by striking the item relating to section 3231 and inserting the following new item:

''Sec. 3231. Protection of special nuclear material and national security information.''.

(b) HEALTH AND SAFETY.—

(1) IN GENERAL.—Section 3261 of the National Nuclear Security Administration Act (50 U.S.C. 2461) is amended—

(A) in subsection (a), by striking ''The Administrator'' and inserting ''In accordance with subsections (c) and (d), the Administrator'';

(B) by striking subsection (c);

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

''(c) NON-NUCLEAR HEALTH AND SAFETY.—(1) In carrying out this section with respect to non-nuclear operations, the Administrator shall ensure that the Administration complies with all applicable occupational safety and health standards promulgated under the Occupational Safety and Health Act of 1970 (29 U.S.C. 655) that are administered by the Secretary of Labor.

''(2) With respect to complying with the occupational safety and health standards under paragraph (1), and conducting oversight of such occupational safety and health standards, the Administrator shall ensure that such complying and oversight by the Administration is conducted—

''(A) in accordance with best industry and Government practices for meeting such standards; and

''(B) in accordance with the performance-based system of governance, management, and oversight established under section 3265, notwithstanding the exemption authority under subsection (a)(3) of such section.

''(3) Except as provided by paragraph (4), the Administrator may not establish or prescribe any order, rule, or regulation regarding occupational safety and health unless such order, rule, or regulation is pursuant to an occupational safety and health standard described in paragraph (1).

''(4)(A) In carrying out paragraph (3)—

''(i) the Administrator may waive the requirement under such paragraph for any type of high hazard operations if the Administrator determines that such waiver is necessary to ensure safety; and

''(ii) the Administrator shall waive such requirements for operations involving beryllium.

''(B) The Administrator shall submit an annual certification to the congressional defense committees regarding why any such waivers made under subparagraph (A) are required to ensure safety.''; and

(D) by adding after subsection (c), as added by subparagraph (C), the following new subsection:

''(d) NUCLEAR HEALTH AND SAFETY.—(1) In carrying out this section with respect to nuclear operations, the Administrator shall prescribe appropriate policies and regulations to ensure that risks to the health and safety of the employees of the Administration, contractors of the Administration, and the general public from such nuclear operations are as low as reasonably practicable and that adequate protection is provided.

''(2) With respect to prescribing and complying with the policies and regulations under paragraph (1), and conducting oversight of such policies and regulations by the Administration, the Administrator shall ensure that such prescribing, complying, and oversight is conducted in accordance with the performance-based system of governance, management, and oversight established under section 3265, notwithstanding the exemption authority under subsection (a)(3) of such section.''.

(2) NUCLEAR HEALTH AND SAFETY EFFECTIVE DATE.—The amendment made by paragraph (1)(D) shall take effect October 1, 2013.

(c) REPORT ON AUTHORITY FOR NUCLEAR SAFETY.—Not later than March 1, 2013, the Administrator shall submit to the congressional defense committees a report that includes—

(1) an implementation plan describing the actions needed to fully transition the policy, regulatory, and oversight authority for the nuclear safety of the nuclear security enterprise from the Department of Energy to the Administration; and

(2) a description of the costs and benefits of such a transition.

SEC. 3116. DESIGN AND USE OF PROTOTYPES OF NUCLEAR WEAPONS.

(a) PROTOTYPES.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended by inserting after section 4508 the following new section:

''SEC. 4509. DESIGN AND USE OF PROTOTYPES OF NUCLEAR WEAPONS FOR INTELLIGENCE PURPOSES.

''(a) PROTOTYPES.—The Administrator shall develop and carry out a plan for the national security laboratories and nuclear weapons production plants to design and build prototypes of nuclear weapons to further intelligence estimates with respect to foreign nuclear weapons activities.

''(b) PROHIBITION ON PRODUCTION OF NUCLEAR YIELDS.—In carrying out subsection (a), the Administrator may not conduct any experiments that produce a nuclear yield.''.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by inserting after the item relating to section 4508 the following new item:

''Sec. 4509. Design and use of prototypes of nuclear weapons for intelligence purposes.''.

SEC. 3117. IMPROVEMENT AND STREAMLINING OF THE MISSIONS AND OPERATIONS OF THE DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy and the Administrator for Nuclear Security, in coordination with the Secretary of Defense and other officials, as the Secretary of Energy and the Administrator consider appropriate, shall revise the Department of Energy Acquisition Regulation and other regulations, rules, directives, orders, and policies that apply to the administration, execution, and oversight of the missions and operations of the Department of Energy and the National Nuclear Security Administration to improve and streamline such administration, execution, and oversight.

(b) IMPROVEMENT AND STREAMLINING.—In carrying out subsection (a), the Secretary of Energy and the Administrator for Nuclear Security shall—

(1) streamline business processes and structures to reduce unnecessary, burdensome, or duplicative approvals;

(2) delegate approval for work for others agreements and cooperative research and development agreements (except those that the Secretary or Administrator determine are high value or unique) to the management and operating contractors of a Government-owned, contractor-operated facility of the Department or Administration and hold such contractors accountable for maintaining appropriate portfolios with respect to such agreements;

(3) establish processes for ensuring routine or low-risk procurement and subcontracting decisions are made at the discretion of the management and operating contractors while ensuring that the Secretary or Administrator apply appropriate oversight;

(4) assess procurement thresholds as of the date of the enactment of this Act and take steps as appropriate to adjust such thresholds;

(5) eliminate duplicative or low-value reports and data calls and ensure consistency in management and cost accounting data; and

(6) otherwise streamline, clarify, and eliminate redundancy in the regulations, rules, directives, orders, and policies described by subsection (a).

(c) BRIEFING.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary and the Administrator shall provide to the appropriate congressional committees a briefing on the regulations, rules, directives, orders, and policies improved and streamlined pursuant to subsection (a).

(2) APPROPRIATE COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the congressional defense committees; and

(B) the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

SEC. 3118. COST-BENEFIT ANALYSES FOR COMPETITION OF MANAGEMENT AND OPERATING CONTRACTS.

(a) LIMITATION.—The Administrator for Nuclear Security may not release a final request for proposal for competition of any contract to manage and operate a facility of the National Nuclear Security Administration until the date on which the Administrator submits to the congressional defense committees a report described in subsection (b).

(b) REPORT DESCRIBED.—A report described in this subsection is a report on a request for proposal for competition described in subsection (a) that includes—

(1) the expected cost savings resulting from the competition over the life of the contract;

(2) the costs of the competition, including immediate costs of conducting the competition and any increased costs over the life of the contract;

(3) a description of—

(A) any disruption or delay in mission activities or deliverables resulting from the competition; and

(B) any benefits of the proposed competition to mission performance or operations;

(4) how the competition complies with the Federal Acquisition Regulation regarding federally funded research and development centers, if applicable; and

(5) any other matters the Administrator considers appropriate.

(c) GAO REVIEW.—Not later than 90 days after each report is submitted to the congressional defense committees under subsection (a) or (d)(2), the Comptroller General of the United States shall submit to such committees a review of such report.

(d) APPLICABILITY.—

(1) IN GENERAL.—The limitation in subsection (a) shall apply with respect to a request for proposal described by such subsection that is released by the Administrator for Nuclear Security during fiscal years 2012 through 2017.

(2) FISCAL YEAR 2012 RFPS.—For each request for proposal described by subsection (a) that is released by the Administrator during fiscal year 2012 before the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees a report described in subsection (b) by not later than 90 days after the date of such enactment.

SEC. 3119. LIMITATION ON AVAILABILITY OF FUNDS FOR INERTIAL CONFINEMENT FUSION IGNITION AND HIGH YIELD CAMPAIGN.

(a) LIMITATION.—Except as provided in subsection (b), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for fusion ignition under the Inertial Confinement Fusion Ignition and High Yield Campaign, not more than 50 percent may be obligated or expended until the date on which—

(1) the Administrator for Nuclear Security certifies to the congressional defense committees that fusion ignition has been achieved at the National Ignition Facility at Lawrence Livermore National Laboratory; or

(2) the Administrator submits to such committees a detailed report on fusion ignition, including—

(A) a thorough description of the remaining technical challenges and gaps in understanding with respect to such ignition;

(B) a plan and schedule for reevaluating the ignition program and incorporating experimental data into computer models;

(C) the best judgment of the Administrator with respect to whether ignition can be achieved at the National Ignition Facility, as designed on the date of the report; and

(D) if funding being spent on ignition research as of the date of the report were applied to life extension programs—

(i) a description of such programs that could be accelerated or otherwise improved; and

(ii) how such funding changes would affect the stockpile stewardship program.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to the Z machine at Sandia National Laboratories or the Omega laser system at the University of Rochester.

SEC. 3120. LIMITATION ON AVAILABILITY OF FUNDS FOR GLOBAL SECURITY THROUGH SCIENCE PARTNERSHIPS PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the National Nuclear Security Administration, not more than $8,000,000 may be obligated or expended for the Global Security through Science Partnerships Program, formerly known as the Global Initiatives for Proliferation Prevention Program, until the date on which the Secretary of Energy submits to the appropriate congressional committees the report under subsection (b).

(b) REPORT.—The Secretary of Energy shall submit to the appropriate congressional committees a report with a plan to complete the Global Security through Science Partnerships Program by the end of calendar year 2015.

(c) FORM.—The report under subsection (b) may be submitted in unclassified form and may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 3121. LIMITATION ON AVAILABILITY OF FUNDS FOR CENTER OF EXCELLENCE ON NUCLEAR SECURITY.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the National Nuclear Security Administration, not more than $7,000,000 may be obligated or expended for the United States-China Center of Excellence on Nuclear Security until the date on which the Secretary of Energy submits to the appropriate congressional committees the report under subsection (b)(2).

(b) NUCLEAR SECURITY.—

(1) REVIEW.—The Secretary of Energy, in coordination with the Secretary of Defense, shall conduct a review of the existing and planned non-proliferation activities with the People's Republic of China as of the date of the enactment of this Act to determine if the engagement is directly or indirectly supporting the proliferation of nuclear weapons development and technology to other nations.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the appropriate congressional committees a report certifying that the activities reviewed under paragraph (1) are not contributing to the proliferation of nuclear weapons development and technology to other nations.

(c) FORM.—The report under subsection (b)(2) may be submitted in unclassified form and may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 3122. TWO-YEAR EXTENSION OF SCHEDULE FOR DISPOSITION OF WEAPONS-USABLE PLUTONIUM AT SAVANNAH RIVER SITE, AIKEN, SOUTH CAROLINA.

Section 4306 of the Atomic Energy Defense Act (50 U.S.C. 2566) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (C), by striking ''2012'' and inserting ''2014''; and

(B) in subparagraph (D), by striking ''2017'' and inserting ''2019'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''by January 1, 2012'';

(B) in paragraph (4), by striking ''2012'' each place it appears and inserting ''2014''; and

(C) in paragraph (5), by striking ''2012'' and inserting ''2014'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''2012'' and inserting ''2014'';

(B) in paragraph (1), by striking ''2014'' and inserting ''2016''; and

(C) in paragraph (2), by striking ''2020'' each place it appears and inserting ''2022'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''2014'' and inserting ''2016''; and

(ii) by striking ''2019'' and inserting ''2021''; and

(B) in paragraph (2)(A), by striking ''2020'' each place it appears and inserting ''2022''; and

(5) in subsection (e), by striking ''2023'' and inserting ''2025''.

Subtitle C—Improvements to National Security Energy Laws

SEC. 3131. IMPROVEMENTS TO THE ATOMIC ENERGY DEFENSE ACT.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501) is amended to read as follows:

''SEC. 4002. DEFINITIONS.

''In this division:

''(1) The term 'Administration' means the National Nuclear Security Administration.

''(2) The term 'Administrator' means the Administrator for Nuclear Security.

''(3) The term 'classified information' means any information that has been determined pursuant to Executive Order No. 12333 of December 4, 1981 (50 U.S.C. 401 note), Executive Order No. 12958 of April 17, 1995 (50 U.S.C. 435 note), or successor orders, to require protection against unauthorized disclosure and that is so designated.

''(4) The term 'congressional defense committees' means—

''(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

''(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

''(5) The term 'nuclear security enterprise' means the physical facilities, technology, and human capital of the national security laboratories and the nuclear weapons production facilities.

''(6) The term 'national security laboratory' means any of the following:

''(A) Los Alamos National Laboratory, Los Alamos, New Mexico.

''(B) Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

''(C) Lawrence Livermore National Laboratory, Livermore, California.

''(7) The term 'nuclear weapons production facility' means any of the following:

''(A) The Kansas City Plant, Kansas City, Missouri.

''(B) The Pantex Plant, Amarillo, Texas.

''(C) The Y–12 National Security Complex, Oak Ridge, Tennessee.

''(D) The Savannah River Site, Aiken, South Carolina.

''(E) The Nevada National Security Site, Nevada.

''(F) Any facility of the Department of Energy that the Secretary of Energy, in consultation with the Administrator and the Congress, determines to be consistent with the mission of the Administration.

''(8) The term 'Restricted Data' has the meaning given such term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).''.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4002 and inserting the following new item:

''Sec. 4002. Definitions.''.

(b) STOCKPILE STEWARDSHIP.—Section 4201(b)(5)(E) of the Atomic Energy Defense Act (50 U.S.C. 2521(b)(5)(E)) is amended by striking ''(as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471))''.

(c) ANNUAL ASSESSMENTS.—Section 4205 of the Atomic Energy Defense Act (50 U.S.C. 2525) is amended by striking subsection (i).

(d) TESTING OF NUCLEAR WEAPONS.—

(1) IN GENERAL.—Section 4210 of the Atomic Energy Defense Act (50 U.S.C. 2530) is amended to read as follows:

''SEC. 4210. TESTING OF NUCLEAR WEAPONS.

''(a) UNDERGROUND TESTING.—No underground test of nuclear weapons may be conducted by the United States after September 30, 1996, unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted.

''(b) ATMOSPHERIC TESTING.—None of the funds appropriated pursuant to the National Defense Authorization Act for Fiscal Year 1994 or any other Act for any fiscal year may be available to maintain the capability of the United States to conduct atmospheric testing of a nuclear weapon.''.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the items relating to sections 4210 and 4211 and inserting the following new item:

''Sec. 4210. Testing of nuclear weapons.''.

(3) CONFORMING AMENDMENT.—Section 4211 of the Atomic Energy Defense Act (50 U.S.C. 2531) is repealed.

(e) MANUFACTURING INFRASTRUCTURE.—Section 4212 of the Atomic Energy Defense Act (50 U.S.C. 2532) is amended by striking subsections (d) and (e).

(f) CRITICAL DIFFICULTIES REPORT.—

(1) IN GENERAL.—Section 4213 of the Atomic Energy Defense Act (50 U.S.C. 2533) is amended—

(A) in the heading, by striking ''**nuclear weapons laboratories and nuclear weapons production plants**'' and inserting ''**national security laboratories and nuclear weapons production facilities**'';

(B) in subsection (a), by striking ''Assistant Secretary of Energy for Defense Programs'' and inserting ''Administrator'';

(C) by striking ''Assistant Secretary'' each place it appears and inserting ''Administrator'';

(D) by striking ''nuclear weapons laboratory'' each place it appears and inserting ''national security laboratory'';

(E) by striking ''production plant'' each place it appears and inserting ''production facility''; and

(F) by striking subsection (e).

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4213 and inserting the following new item:

''Sec. 4213. Reports on critical difficulties at national security laboratories and nuclear weapons production facilities.''.

(g) PLAN FOR TRANSFORMATION.—

(1) IN GENERAL.—Section 4214 of the Atomic Energy Defense Act (50 U.S.C. 2534) is amended—

(A) by striking subsections (b) and (d); and

(B) by redesignating subsection (c) as subsection (b).

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by inserting after the item relating to section 4213 the following new item:

''Sec. 4214. Plan for transformation of national nuclear security administration nuclear weapons complex.''.

(h) TRITIUM PRODUCTION PROGRAM.—Section 4231 of the Atomic Energy Defense Act (50 U.S.C. 2541) is amended to read as follows:

''SEC. 4231. TRITIUM PRODUCTION PROGRAM.

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a tritium production program that is capable of meeting the tritium requirements of the United States for nuclear weapons. In carrying out the tritium production program, the Secretary shall assess alternative means for tritium production, including production through—

''(1) types of new and existing reactors, including multipurpose reactors (such as advanced light water reactors and gas turbine gas-cooled reactors) capable of meeting both the tritium production requirements and the plutonium disposition requirements of the United States for nuclear weapons;

''(2) an accelerator; and

''(3) multipurpose reactor projects carried out by the private sector and the Government.

''(b) LOCATION OF TRITIUM PRODUCTION FACILITY.—The Secretary shall locate any new tritium production facility of the Department of Energy at the Savannah River Site, South Carolina.''.

(i) TRITIUM RECYCLING FACILITIES.—Section 4234 of the Atomic Energy Defense Act (50 U.S.C. 2544) is amended—

(1) by striking ''(a) IN GENERAL.—The Secretary of Energy'' and inserting ''The Secretary''; and

(2) by striking subsection (b).

(j) RESTRICTED DATA.—Section 4501 of the Atomic Energy Defense Act (50 U.S.C. 2651(a)) is amended by striking subsection (c).

(k) FOREIGN VISITORS.—Section 4502 of the Atomic Energy Defense Act (50 U.S.C. 2652) is amended—

(1) by striking ''national laboratory'' each place it appears and inserting ''national security laboratory''; and

(2) in subsection (g), by striking paragraphs (3) and (4).

(l) BACKGROUND INVESTIGATIONS.—Section 4503 of the Atomic Energy Defense Act (50 U.S.C. 2653) is amended—

(1) by striking ''(a) IN GENERAL.—'';

(2) by striking subsections (b) and (c); and

(3) by striking ''national laboratory'' and inserting ''national security laboratory''.

(m) SECURITY FUNCTIONS REPORT.—Section 4506 of the Atomic Energy Defense Act (50 U.S.C. 2657) is amended—

(1) by striking ''(a) IN GENERAL.—''; and

(2) by striking subsection (b).

(n) COUNTERINTELLIGENCE REPORT.—Section 4507 of the Atomic Energy Defense Act (50 U.S.C. 2658) is amended—

(1) by striking ''national laboratories'' each place it appears and inserting ''national security laboratories''; and

(2) by striking subsection (c).

(o) COMPUTER SECURITY REPORT.—Section 4508 of the Atomic Energy Defense Act (50 U.S.C. 2659)—

(1) in subsection (a), by striking ''national laboratories'' and inserting ''national security laboratories''; and

(2) by striking subsections (e) and (f).

(p) DOCUMENT REVIEW.—Section 4521 of the Atomic Energy Defense Act (50 U.S.C. 2671) is amended by striking subsection (c).

(q) REPORTS ON LOCAL IMPACT ASSISTANCE.—

(1) IN GENERAL.—Section 4604(f) of the Atomic Energy Defense Act (50 U.S.C. 2704(f)) is amended by adding at the end the following new paragraph:

''(3) In addition to the plans submitted under paragraph (1), the Secretary of Energy shall submit to Congress every six months a report setting forth a description of, and the amount or value of, all local impact assistance provided during the preceding six months under subsection (c)(6).''.

(2) CONFORMING AMENDMENT.—Section 4851 of the Atomic Energy Defense Act (50 U.S.C. 2821) is repealed.

(3) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4851.

(r) RECRUITMENT AND TRAINING.—Section 4622 of the Atomic Energy Defense Act (50 U.S.C. 2722) is amended—

(1) in subsection (b)—

(A) by striking ''(1) As part of'' and inserting ''As part of''; and

(B) by striking paragraph (2); and

(2) by striking subsection (d).

(s) FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—Section 4623 of the Atomic Energy Defense Act (50 U.S.C. 2723) is amended—

(A) in the heading, by striking ''**department of energy nuclear weapons complex**'' and inserting ''**nuclear security enterprise**'';

(B) by striking ''Department of Energy nuclear weapons complex'' each place it appears and inserting ''nuclear security enterprise'';

(C) in subsection (c), by striking ''following'' and all that follows through the period at the end and inserting ''national security laboratories and nuclear weapon production facilities.''; and

(D) in subsection (f)(2), by striking ''the Department of Energy for'' and inserting ''the nuclear security enterprise for''.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4623 and inserting the following new item:

''Sec. 4623. Fellowship program for development of skills critical to the nuclear security enterprise.''.

(t) COST OVERRUNS.—Section 4713(a)(1)(A) of the Atomic Energy Defense Act (50 U.S.C. 2753(a)(1)(A)) is amended—

(1) by striking ''for Nuclear Security''; and

(2) by striking ''National Nuclear Security''.

(u) BUDGET REQUEST.—

(1) IN GENERAL.—Section 4731 of the Atomic Energy Defense Act (50 U.S.C. 2771) is repealed.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4731.

(v) CONTRACTOR BONUSES.—Section 4802 of the Atomic Energy Defense Act (50 U.S.C. 2782) is amended—

(2) by striking subsection (b); and

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(w) FUNDS FOR RESEARCH AND DEVELOPMENT.—Section 4812 of the Atomic Energy Defense Act (50 U.S.C. 2792) is amended—

(1) by striking subsections (b) through (d); and

(2) by redesignating subsection (e) as subsection (b).

(x) TECHNOLOGY PARTNERSHIPS.—Section 4813(c) of the Atomic Energy Defense Act (50 U.S.C. 2794(c)) is amended by striking paragraph (5).

(y) UNIVERSITY COLLABORATION.—Section 4814 of the Atomic Energy Defense Act (50 U.S.C. 2795) is amended by striking subsection (c).

(z) ENGINEERING AND MANUFACTURING RESEARCH.—Section 4832 of the Atomic Energy Defense Act (50 U.S.C. 2812) is amended by striking subsections (c) through (e).

(aa) PILOT PROGRAM REPORT.—Section 4833 of the Atomic Energy Defense Act (50 U.S.C. 2813) is amended by striking subsection (e).

(bb) TECHNICAL AMENDMENTS.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended as follows:

(1) By striking ''Nevada Test Site'' each place it appears and inserting ''Nevada National Security Site''.

(2) By striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of National Intelligence''.

SEC. 3132. IMPROVEMENTS TO THE NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT.

(a) NUCLEAR SECURITY ENTERPRISE REFERENCE.—

(1) FUTURE-YEARS NUCLEAR SECURITY PROGRAM.—Section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453) is amended by striking ''nuclear weapons complex'' each place it appears and inserting ''nuclear security enterprise''.

(2) GAO REPORTS.—Section 3255 of the National Nuclear Security Administration Act (50 U.S.C. 2455) is amended—

(A) by striking ''nuclear security complex'' each place it appears and inserting ''nuclear security enterprise''; and

(B) in subsection (b), by striking paragraph (3).

(3) DEFINITION.—Section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471) is amended by adding at the end the following new paragraph:

''(6) The term 'nuclear security enterprise' means the physical facilities, technology, and human capital of the national security laboratories and the nuclear weapons production facilities.''.

(b) TRANSFER OF FUNCTIONS.—

(1) NEW TRANSFERS.—

(A) IN GENERAL.—Section 3291 of the National Nuclear Security Administration Act (50 U.S.C. 2481) is amended to read as follows:

''SEC. 3291. TRANSFER OF FUNCTIONS.

''(a) AUTHORITY TO TRANSFER FUNCTIONS.—The Secretary of Energy may transfer to the Administrator any facility, mission, or function of the Department of Energy that the Secretary, in consultation with the Administrator and Congress, determines to be consistent with the mission of the Administration.

''(b) ENVIRONMENTAL REMEDIATION AND WASTE MANAGEMENT ACTIVITIES.—In the case of any environmental remediation and waste management activity of any element of the Administration, the Secretary of Energy may determine to transfer responsibility for that activity to another element of the Department of Energy.

''(c) TRANSFER OF FUNDS.—(1) Any balance of appropriations that the Secretary of Energy determines is available and needed to finance or discharge a function, power, or duty or an activity that is transferred to the Administration shall be transferred to the Administration and used for any purpose for which those appropriations were originally available. Balances of appropriations so transferred shall—

''(A) be credited to any applicable appropriation account of the Administration; or

''(B) be credited to a new account that may be established on the books of the Department of the Treasury;

and shall be merged with the funds already credited to that account and accounted for as one fund.

''(2) Balances of appropriations credited to an account under paragraph (1)(A) are subject only to such limitations as are specifically applicable to that account. Balances of appropriations credited to an account under paragraph (1)(B) are subject only to such limitations as are applicable to the appropriations from which they are transferred.

''(d) PERSONNEL.—(1) With respect to any function, power, or duty or activity of the Department of Energy that is transferred to the Administration, those employees of the element of the Department of Energy from which the transfer is made that the Secretary of Energy determines are needed to perform that function, power, or duty, or for that activity, as the case may be, shall be transferred to the Administration.

''(2) The authorized strength in civilian employees of any element of the Department of Energy from which employees are transferred under this section is reduced by the number of employees so transferred.''.

(B) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by striking the item relating to section 3291 and inserting the following new item:

''Sec. 3291. Transfer of Functions.''.

(2) APPLICABILITY OF EXISTING LAWS AND REGULATIONS.—Section 3296 of the National Nuclear Security Administration Act (50 U.S.C. 2484) is amended to read as follows:

''SEC. 3296. APPLICABILITY OF PREEXISTING LAWS AND REGULATIONS.

''With respect to any facility, mission, or function of the Department of Energy that the Secretary of Energy transfers to the Administrator under section 3291, unless otherwise provided in this title, all provisions of law and regulations in effect immediately before the date of the transfer that are applicable to such facility, mission, or functions shall continue to apply to the corresponding functions of the Administration.''.

(3) RULE OF CONSTRUCTION.—Nothing in section 3291 of the National Nuclear Security Administration Act (50 U.S.C. 2481), as amended by paragraph (1), may be construed to affect any function or activity transferred by the Secretary of Energy to the Administrator for Nuclear Security before the date of the enactment of this Act.

(c) REPEAL OF EXPIRED PROVISIONS.—

(1) IN GENERAL.—The following sections of the National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.) are repealed:

(A) Section 3242 (50 U.S.C. 2442).

(B) Section 3292 (50 U.S.C. 2482).

(C) Section 3295 (50 U.S.C. 2483).

(D) Section 3297 (50 U.S.C. 2401 note).

(2) CLERICAL AMENDMENTS.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by striking the item relating to sections 3242, 3292, 3295, and 3297.

(d) TECHNICAL AMENDMENTS TO THE NNSA ACT.—The National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.) is amended as follows:

(1) In section 3212(a)(2) (50 U.S.C. 2402), by striking ''as added by section 3202 of this Act,''.

(2) In section 3253(b)(3) (50 U.S.C. 2453(b)(3)), by striking ''section 3158 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (42 U.S.C. 2121 note)'' and inserting ''section 4202(a) of the Atomic Energy Defense Act (50 U.S.C. 2522(a))''.

(3) In section 3281(2) (50 U.S.C. 2471(2))—

(A) in subparagraph (C), by striking ''Y–12 Plant'' and inserting ''Y–12 National Security Complex''; and

(B) in subparagraph (D), by striking ''tritium operations facilities at the''.

(4) By striking ''Nevada Test Site'' each place it appears and inserting ''Nevada National Security Site''.

(e) TECHNICAL AMENDMENT TO THE DOE ORGANIZATION ACT.—Section 643 of the Department of Energy Organization Act (42 U.S.C. 7253) is amended by redesignating the second subsection (b) as subsection (c).

SEC. 3133. CLARIFICATION OF THE ROLE OF THE ADMINISTRATOR FOR NUCLEAR SECURITY.

(a) ROLE UNDER NNSA ACT.—

(1) FUNCTION.—Section 3212 of the National Nuclear Security Administration Act (50 U.S.C. 2402(b)) is amended—

(A) in subsection (b), by striking ''all programs and activities of the Administration'' and inserting ''all programs, policies, regulations, and rules of the Administration''; and

(B) in subsection (d), by striking '', unless disapproved by the Secretary of Energy.'' and inserting ''to carry out the mission and functions of the Administration, except as provided by section 3219.''.

(2) ROLE OF THE SECRETARY OF ENERGY.—

(A) IN GENERAL.—Section 3219 of the National Nuclear Security Administration Act (50 U.S.C. 2409) is amended to read as follows:

''SEC. 3219. SCOPE OF AUTHORITY OF SECRETARY OF ENERGY REGARDING THE ADMINISTRATION.

''(a) IN GENERAL.—(1) The Secretary of Energy may disapprove any action, policy, regulation, or rule of the Administrator if—

''(A) the Secretary submits to the congressional defense committees justification for such disapproval; and

''(B) a period of 15 days has elapsed following the date on which such justification was submitted.

''(2) Nothing in this title may be construed to provide authority to the Secretary of Energy to administer, enforce, or oversee the activities under this title except—

''(A) as provided by paragraph (1); or

''(B) to the extent otherwise specifically provided by law.

''(3) Except as provided by this section, the Administrator shall have complete authority to establish and conduct oversight of policies, activities, and procedures of the Administration without direction or oversight by the Secretary of Energy.

''(4) The authority of the Secretary under paragraph (1) may be delegated only to the Deputy Secretary of Energy, without further redelegation.

''(b) LIMITATION ON TRANSFER.—Notwithstanding the authority granted by section 643 of the Department of Energy Organization Act (42 U.S.C. 7253) or any other provision of law, the Secretary of Energy may not establish, abolish, alter, consolidate, or discontinue any organizational unit or component, or transfer any function, of the Administration, except as authorized by section 3291.''.

(B) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by striking the item relating to section 3219 and inserting the following new item:

''Sec. 3219. Scope of Authority of Secretary of Energy regarding the Administration.''.

(C) DEPARTMENT OF ENERGY ORGANIZATION ACT.—Section 202(c)(3) of the Department of Energy Organization Act (42 U.S.C. 7132(c)(3)) is amended to read as follows:

''(3) The Under Secretary for Nuclear Security shall serve as the Administrator for Nuclear Security under section 3212 of the National Nuclear Security Administration Act (50 U.S.C. 2402). In carrying out the functions of the Administrator, the Under Secretary shall be subject to the authority of the Secretary of Energy in accordance with section 3219 of such Act (50 U.S.C. 2409).''.

(3) STATUS OF ADMINISTRATION AND CONTRACTOR PERSONNEL.—Section 3220 of the National Nuclear Security Administration Act (50 U.S.C. 2410) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking subparagraph (A); and

(II) by redesignating subparagraph (B) and (C) as subparagraph (A) and (B), respectively;

(ii) in paragraph (2), by striking ''any other officer, employee, or agent of the Department of Energy'' and inserting ''any officer, employee, or agent of the Department of Energy, except as provided by section 3219''; and

(B) in subsection (b), by striking ''except for'' and all that follows through the period and inserting ''except as provided by section 3219.''.

(4) OFFICE OF DEFENSE NUCLEAR SECURITY.—Section 3232 of the National Nuclear Security Administration Act (50 U.S.C. 2422) is amended to read as follows:

''SEC. 3232. OFFICE OF DEFENSE NUCLEAR SECURITY.

''(a) ESTABLISHMENT.—There is within the Administration an Office of Defense Nuclear Security, headed by a Chief appointed by the Administrator.

''(b) CHIEF OF DEFENSE NUCLEAR SECURITY.—(1) The head of the Office of Defense Nuclear Security is the Chief of Defense Nuclear Security, who shall report to the Administrator and shall implement the security policies directed by the Administrator.

''(2) The Chief shall be responsible for the development and implementation of security programs and policies for the Administration, including the protection, control, and accounting of materials, and for the physical and cyber security for all facilities of the Administration.''.

(5) COUNTERINTELLIGENCE PROGRAMS.—Section 3233 of the National Nuclear Security Administration Act (50 U.S.C. 2423) is amended in each of subsections (a) and (b) by striking ''The Secretary of Energy shall'' and inserting ''The Secretary of Energy, in coordination with the Administrator, shall''.

(6) BUDGET TREATMENT.—Section 3251(a) of the National Nuclear Security Administration Act (50 U.S.C. 2451(a)) is amended by striking ''within the other amounts requested for the Department of Energy'' and inserting ''from the amounts requested for any other agency, including the Department of Energy''.

(7) FUTURE-YEARS NUCLEAR SECURITY PROGRAM.—Section 3253(b)(6) of the National Nuclear Security Administration Act (50 U.S.C. 2453(b)(6)) is amended by striking '', developed in consultation with the Director of the Office of Health, Safety, and Security of the Department of Energy,''.

(b) ROLE UNDER THE AEDA.—

(1) STOCKPILE STEWARDSHIP.—Section 4201(a) of the Atomic Energy Defense Act (50 U.S.C. 2521(a)) is amended by striking ''The Secretary of Energy, acting through the Administrator for Nuclear Security,'' and inserting ''The Administrator''.

(2) REPORT ON STOCKPILE STEWARDSHIP.—Section 4202 of the Atomic Energy Defense Act (50 U.S.C. 2522) is amended—

(A) in subsection (a)—

(i) by striking ''The Secretary of Energy'' and inserting ''The Administrator''; and

(ii) by striking ''Department of Energy'' and inserting ''Administration''; and

(B) in subsection (b), by striking ''The Secretary of Energy'' and inserting ''The Administrator''.

(3) STOCKPILE MANAGEMENT.—Section 4204 of the Atomic Energy Defense Act (50 U.S.C. 2524) is amended—

(A) in subsection (a), by striking ''The Secretary of Energy, acting through the Administrator for Nuclear Security and'' and inserting ''The Administrator,''; and

(B) in subsection (b), by striking ''Secretary of Energy'' and inserting ''Administrator''

(4) ANNUAL ASSESSMENTS.—Section 4205(h) of the Atomic Energy Defense Act (50 U.S.C. 2525(h)) is amended to read as follows:

''(h) SECRETARY CONCERNED DEFINED.—In this section, the term 'Secretary concerned' means—

''(1) the Secretary of Energy, with respect to matters concerning the Administration; and

''(2) the Secretary of Defense, with respect to matters concerning the Department of Defense.''.

(5) NUCLEAR TEST BAN READINESS PROGRAM.—Section 4207 of the Atomic Energy Defense Act (50 U.S.C. 2527) is amended—

(A) in subsection (b), by striking ''Secretary of Energy'' and inserting ''Administrator''; and

(B) in subsection (d), by striking ''Secretary of Energy'' and inserting ''Administrator''.

(6) SPECIFIC REQUEST REQUIREMENT.—Section 4209 of the Atomic Energy Defense Act (50 U.S.C. 2529) is amended—

(A) in subsection (a)(1)—

(i) by striking '' after fiscal year 2002 in which the Secretary of Energy'' and inserting ''in which the Administrator''; and

(ii) by striking ''the Secretary shall'' and inserting ''the Administrator shall''; and

(B) in subsection (b), by striking ''Secretary shall'' and inserting ''Administrator shall''.

(7) MANUFACTURING INFRASTRUCTURE.—Section 4212(a)(1) of the Atomic Energy Defense Act (50 U.S.C. 2532(a)(1)) is amended by striking ''Secretary of Energy'' and inserting ''Administrator''.

(8) PLAN FOR TRANSFORMATION.—Section 4214 of the Atomic Energy Defense Act (50 U.S.C. 2534), as amended by section 3131(g)(1), is amended by striking ''Secretary of Energy'' each place it appears and inserting ''Administrator''.

(9) NUCLEAR MATERIALS PROTECTION, CONTROL, AND ACCOUNTING.—Section 4303(a) of the Atomic Energy Defense Act (50 U.S.C. 2563(a)) is amended—

(A) by striking ''Secretary of Energy'' and inserting ''Administrator''; and

(B) by striking ''Department of Energy'' and inserting ''Administration''.

(10) TRITIUM PRODUCTION PROGRAM.—Section 4231 of the Atomic Energy Defense Act (50 U.S.C. 2541), as amended by section 3131(h), is amended—

(A) by striking ''Secretary'' each place it appears and inserting ''Administrator''; and

(B) in subsection (b), by striking ''Department of Energy'' and inserting ''Administration''.

(11) TRITIUM RECYCLING FACILITIES.—Section 4234 of the Atomic Energy Defense Act (50 U.S.C. 2544), as amended by section 3131(i), is amended by striking ''Secretary'' and inserting ''Administrator''.

(12) CERTAIN FISSILE MATERIALS PROGRAM.—Section 4305 of the Atomic Energy Defense Act (50 U.S.C. 2565) is amended by striking ''Secretary of Energy'' and inserting ''Administrator''.

(13) FISSILE MATERIALS MANAGEMENT PLAN.—Section 4403(a)(1) of the Atomic Energy Defense Act (50 U.S.C. 2583(a)(1)) is amended by striking ''the Office of Defense Programs'' and inserting ''the Administration''.

(14) RESTRICTED DATA.—Section 4501(a) of the Atomic Energy Defense Act (50 U.S.C. 2651(a)) is amended by striking ''The Secretary of Energy'' and inserting ''The Administrator''.

(16) BACKGROUND INVESTIGATIONS.—Section 4503 of the Atomic Energy Defense Act (50 U.S.C. 2653), as amended by section 3131(l), is amended by striking ''The Secretary of Energy'' and inserting ''The Administrator''.

(17) COUNTERINTELLIGENCE FAILURES.—Section 4505 of the Atomic Energy Defense Act (50 U.S.C. 2656) is amended—

(A) by striking ''Secretary of Energy'' each place it appears and inserting ''Administrator'';

(B) by striking ''Secretary'' each place it appears and inserting ''Administrator'';

(C) by striking ''Department of Energy'' each place it appears and inserting ''Administration''; and

(D) by striking ''Department'' each place it appears and inserting ''Administration''.

(18) SECURITY FUNCTIONS REPORT.—Section 4506 of the Atomic Energy Defense Act (50 U.S.C. 2657), as amended by section 3131(m), is amended by striking ''the Secretary of Energy'' and inserting ''the Administrator''.

(19) COUNTERINTELLIGENCE REPORT.—Section 4507(a) of the Atomic Energy Defense Act (50 U.S.C. 2658(a)) is amended by striking ''Secretary of Energy'' and inserting ''Administrator''.

(20) COMPUTER SECURITY REPORT.—Section 4508 of the Atomic Energy Defense Act (50 U.S.C. 2659) is amended—

(A) in subsection (c), by striking ''Secretary of Energy'' each place it appears and inserting ''Administrator''; and

(B) in subsection (d), by striking ''Secretary'' each place it appears and inserting ''Administrator''.

(21) DOCUMENT REVIEW.—Section 4521 of the Atomic Energy Defense Act (50 U.S.C. 2671) is amended—

(A) in subsection (a)—

(i) by striking ''Secretary of Energy'' and inserting ''Administrator'';

(ii) by striking ''Department of Energy'' and inserting ''Administration''; and

(B) in subsection (b), by striking ''Secretary'' each place it appears and inserting ''Administrator''.

(22) MANAGEMENT TRAINING.—

(A) IN GENERAL.—Section 4621 of the Atomic Energy Defense Act (50 U.S.C. 2721) is amended—

(i) in the heading, by inserting ''***and national nuclear security administration***'' after ''***energy***'';

(ii) in subsection (a)—

(I) by striking ''Secretary of Energy'' and inserting ''Under Secretary of Energy for Nuclear Security''; and

(II) by inserting ''and the Administration'' after ''the Department of Energy''; and

(iii) in subsection (b)(1), by inserting ''and Administration'' after ''Department of Energy''.

(B) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4621 and inserting the following new item:

''Sec. 4621. Executive management training in the Department of Energy and National Nuclear Security Administration.''.

(23) RECRUITMENT AND TRAINING.—Section 4622 of the Atomic Energy Defense Act (50 U.S.C. 2722) is amended—

(A) in subsection (a), by striking ''the Secretary of Energy'' and inserting ''the Administrator''; and

(B) in subsection (c), by striking ''Secretary'' and inserting ''Administrator''.

(24) FELLOWSHIP PROGRAM.—Section 4623 of the Atomic Energy Defense Act (50 U.S.C. 2723) is amended—

(A) by striking ''Secretary of Energy'' each place it appears and inserting ''Administrator'';

(B) by striking ''Secretary'' each place it appears and inserting ''Administrator;'';

(C) in subsection (b)(1), by striking ''Department of Energy'' and inserting ''Administration''; and

(D) in subsection (e), by striking '', in consultation with the Assistant Secretary of Energy for Defense Programs,''.

(25) TRANSFER OF WEAPONS FUNDS.—Section 4711 of the Atomic Energy Defense Act (50 U.S.C. 2751) is amended—

(A) in subsection (a), by striking ''Secretary of Energy'' and inserting ''Administrator'';

(B) in subsection (d), by striking ''Secretary, acting through the Administrator for Nuclear Security,'' and inserting ''Administrator''; and

(C) in subsection (e)—

(i) in paragraph (1)—

(I) by striking ''Department of Energy'' and inserting ''Administration''; and

(II) by striking ''Department'' and inserting ''Administration''; and

(ii) in paragraph (2), by inserting ''or the Administration'' after ''Department of Energy''.

(26) COST OVERRUNS.—Section 4713 of the Atomic Energy Defense Act (50 U.S.C. 2753) is amended—

(A) in subsection (a)(2)—

(i) in subparagraph (A)—

(I) by striking ''Secretary of Energy'' and inserting ''Administrator''; and

(II) in clause (ii), by striking ''Department'' and inserting ''Administration''; and

(ii) in subparagraph (B), by striking ''Secretary'' and inserting ''Administrator''; and

(B) in subsection (c)(2)(B), by inserting ''or the Administration'' after ''Department of Energy''.

(27) PENALTIES.—Section 4721(a) of the Atomic Energy Defense Act (50 U.S.C. 2761(a)) is amended by striking ''the Department of Energy for the Naval Nuclear Propulsion Program'' and inserting ''the Administration for the Naval Nuclear Reactor Program''.

(28) RESEARCH AND DEVELOPMENT.—Section 4811 of the Atomic Energy Defense Act (50 U.S.C. 2791) is amended—

(A) in subsection (a), by inserting ''and the Administration'' after ''Department of Energy'';

(B) in subsection (b)—

(i) by striking ''The Secretary'' and inserting ''(1) Except as provided by paragraph (2), the Secretary''; and

(ii) by adding at the end the following new paragraph:

''(2) With respect to the conduct of laboratory-directed research and development at laboratories of the Administration, the Administrator shall prescribe regulations for such conduct and oversee such regulations.''; and

(C) in subsection (c), by inserting ''or the Administrator'' after ''the Secretary''.

(29) FUNDS FOR RESEARCH AND DEVELOPMENT.—Subsection (a)(1) of section 4812 of the Atomic Energy Defense Act (50 U.S.C. 2792(a)(1)) is amended—

(A) by striking ''the Department of Energy in'' and inserting ''the Administration in'';

(B) by striking ''under the Department of Energy''; and inserting ''under the'';

(C) by striking ''any Department of Energy'' and inserting ''any''; and

(D) by striking ''mission of the Department of Energy'' and inserting ''mission of the Administration''.

SEC. 3134. CONSOLIDATED REPORTING REQUIREMENTS RELATING TO NUCLEAR STOCKPILE STEWARDSHIP, MANAGEMENT, AND INFRASTRUCTURE.

(a) CONSOLIDATED PLAN FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.—

(1) IN GENERAL.—Section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523) is amended to read as follows:

''SEC. 4203. NUCLEAR WEAPONS STOCKPILE STEWARDSHIP, MANAGEMENT, AND INFRASTRUCTURE PLAN.

''(a) PLAN REQUIREMENT.—The Administrator, in consultation with the Secretary of Defense and other appropriate officials of the departments and agencies of the Federal Government, shall develop and annually update a plan for sustaining the nuclear weapons stockpile. The plan shall cover, at a minimum, stockpile stewardship, stockpile management, stockpile surveillance, program direction, infrastructure modernization, human capital, and nuclear test readiness. The plan shall be consistent with the programmatic and technical requirements of the most recent annual Nuclear Weapons Stockpile Memorandum.

''(b) SUBMISSIONS TO CONGRESS.—(1) In accordance with subsection (c), not later than March 15 of each even-numbered year, the Administrator shall submit to the congressional defense committees a summary of the plan developed under subsection (a).

''(2) In accordance with subsection (d), not later than March 15 of each odd-numbered year, the Administrator shall submit to the congressional defense committees a detailed report on the plan developed under subsection (a).

''(3) The summaries and reports required by this subsection shall be submitted in unclassified form, but may include a classified annex.

''(c) ELEMENTS OF BIENNIAL PLAN SUMMARY.—Each summary of the plan submitted under subsection (b)(1) shall include, at a minimum, the following:

''(1) A summary of the status of the nuclear weapons stockpile, including the number and age of warheads (including both active and inactive) for each warhead type.

''(2) A summary of the status, plans, budgets, and schedules for warhead life extension programs and any other programs to modify, update, or replace warhead types.

''(3) A summary of the methods and information used to determine that the nuclear weapons stockpile is safe and reliable, as well as the relationship of science-based tools to the collection and interpretation of such information.

''(4) A summary of the status of the nuclear security enterprise, including programs and plans for infrastructure modernization and retention of human capital, as well as associated budgets and schedules.

''(5) A summary of the status of achieving the purposes of the program established under section 4207(b).

''(6) Identification of any modifications or updates to the plan since the previous summary or detailed report was submitted under subsection (b).

''(7) Such other information as the Administrator considers appropriate.

''(d) ELEMENTS OF BIENNIAL DETAILED REPORT.—Each detailed report on the plan submitted under subsection (b)(2) shall include, at a minimum, the following:

''(1) With respect to stockpile stewardship and management—

''(A) the status of the nuclear weapons stockpile, including the number and age of warheads (including both active and inactive) for each warhead type;

''(B) for each five-year period occurring during the period beginning on the date of the report and ending on the date that is 20 years after the date of the report—

''(i) the planned number of nuclear warheads (including active and inactive) for each warhead type in the nuclear weapons stockpile; and

''(ii) the past and projected future total lifecycle cost of each type of nuclear weapon;

''(C) the status, plans, budgets, and schedules for warhead life extension programs and any other programs to modify, update, or replace warhead types;

''(D) a description of the process by which the Administrator assesses the lifetimes, and requirements for life extension or replacement, of the nuclear and non-nuclear components of the warheads (including active and inactive warheads) in the nuclear weapons stockpile;

''(E) a description of the process used in recertifying the safety, security, and reliability of each warhead type in the nuclear weapons stockpile;

''(F) any concerns of the Administrator which would affect the ability of the Administrator to recertify the safety, security, or reliability of warheads in the nuclear weapons stockpile (including active and inactive warheads);

''(G) mechanisms to provide for the manufacture, maintenance, and modernization of each warhead type in the nuclear weapons stockpile, as needed;

''(H) mechanisms to expedite the collection of information necessary for carrying out the stockpile management program required by section 4204, including information relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials;

''(I) mechanisms to ensure the appropriate assignment of roles and missions for each national security laboratory and nuclear weapons production facility, including mechanisms for allocation of workload, mechanisms to ensure the carrying out of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel;

''(J) mechanisms to ensure that each national security laboratory has full and complete access to all weapons data to enable a rigorous peer-review process to support the annual assessment of the condition of the nuclear weapons stockpile required under section 4205;

''(K) mechanisms for allocating funds for activities under the stockpile management program required by section 4204, including allocations of funds by weapon type and facility; and

''(L) for each of the five fiscal years following the fiscal year in which the report is submitted, an identification of the funds needed to carry out the program required under section 4204.

''(2) With respect to science-based tools—

''(A) a description of the information needed to determine that the nuclear weapons stockpile is safe and reliable;

''(B) for each science-based tool used to collect information described in subparagraph (A), the relationship between such tool and such information and the effectiveness of such tool in providing such information based on the criteria developed pursuant to section 4202(a); and

''(C) the criteria developed under section 4202(a) (including any updates to such criteria).

''(3) An assessment of the stockpile stewardship program under section 4201 by the Administrator, in consultation with the directors of the national security laboratories, which shall set forth—

''(A) an identification and description of—

''(i) any key technical challenges to the stockpile stewardship program; and

''(ii) the strategies to address such challenges without the use of nuclear testing;

''(B) a strategy for using the science-based tools (including advanced simulation and computing capabilities) of each national security

laboratory to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of nuclear testing.

''(C) an assessment of the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory that exist at the time of the assessment compared with the science-based tools expected to exist during the period covered by the future-years nuclear security program; and

''(D) an assessment of the core scientific and technical competencies required to achieve the objectives of the stockpile stewardship program and other weapons activities and weapons-related activities of the Administration, including—

''(i) the number of scientists, engineers, and technicians, by discipline, required to maintain such competencies; and

''(ii) a description of any shortage of such individuals that exists at the time of the assessment compared with any shortage expected to exist during the period covered by the future-years nuclear security program.

''(4) With respect to the nuclear security infrastructure—

''(A) a description of the modernization and refurbishment measures the Administrator determines necessary to meet the requirements prescribed in—

''(i) the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a) if such strategy has been submitted as of the date of the plan;

''(ii) the most recent quadrennial defense review if such strategy has not been submitted as of the date of the plan; and

''(iii) the most recent nuclear posture review as of the date of the plan;

''(B) a schedule for implementing the measures described under subparagraph (A) during the 10-year period following the date of the plan; and

''(C) the estimated levels of annual funds the Administrator determines necessary to carry out the measures described under subparagraph (A), including a discussion of the criteria, evidence, and strategies on which such estimated levels of annual funds are based.

''(5) With respect to the nuclear test readiness of the United States—

''(A) an estimate of the period of time that would be necessary for the Administrator to conduct an underground test of a nuclear weapon once directed by the President to conduct such a test;

''(B) a description of the level of test readiness that the Administrator, in consultation with the Secretary of Defense, determines to be appropriate;

''(C) a list and description of the workforce skills and capabilities that are essential to carrying out an underground nuclear test at the Nevada National Security Site;

''(D) a list and description of the infrastructure and physical plants that are essential to carrying out an underground nuclear test at the Nevada National Security Site; and

''(E) an assessment of the readiness status of the skills and capabilities described in subparagraph (C) and the infrastructure and physical plants described in subparagraph (D).

''(6) With respect to the program established under section 4207(b), a description of the progress made to the date of the report in achieving the purposes of such program.

''(7) Identification of any modifications or updates to the plan since the previous summary or detailed report was submitted under subsection (b).

''(e) NUCLEAR WEAPONS COUNCIL ASSESSMENT.—(1) For each detailed report on the plan submitted under subsection (b)(2), the Nuclear Weapons Council established by section 179 of title 10, United States Code, shall conduct an assessment that includes the following:

''(A) An analysis of the plan, including—

''(i) whether the plan supports the requirements of the national security strategy of the United States or the most recent quadrennial defense review, as applicable under subsection (d)(4)(A), and the Nuclear Posture Review; and

''(ii) whether the modernization and refurbishment measures described under subparagraph (A) of paragraph (4) and the schedule described under subparagraph (B) of such paragraph are adequate to support such requirements.

''(B) An analysis of whether the plan adequately addresses the requirements for infrastructure recapitalization of the facilities of the nuclear security enterprise.

''(C) If the Nuclear Weapons Council determines that the plan does not adequately support modernization and refurbishment requirements under subparagraph (A) or the nuclear security enterprise facilities infrastructure recapitalization requirements under subparagraph (B), a risk assessment with respect to—

''(i) supporting the annual certification of the nuclear weapons stockpile; and

''(ii) maintaining the long-term safety, security, and reliability of the nuclear weapons stockpile.

''(2) Not later than 180 days after the date on which the Administrator submits the plan under subsection (b)(2), the Nuclear Weapons Council shall submit to the congressional defense committees a report detailing the assessment required under paragraph (1).

''(f) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

''(2) The term 'future-years nuclear security program' means the program required by section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

''(3) The term 'nuclear security budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Administrator for the National Nuclear Security Administration in support of the budget for that fiscal year.

''(4) The term 'quadrennial defense review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of title 10, United States Code.

''(5) The term 'weapons activities' means each activity within the budget category of weapons activities in the budget of the National Nuclear Security Administration.

''(6) The term 'weapons-related activities' means each activity under the Department of Energy that involves nuclear weapons, nuclear weapons technology, or fissile or radioactive materials, including activities related to—

''(A) nuclear nonproliferation;

''(B) nuclear forensics;

''(C) nuclear intelligence;

''(D) nuclear safety; and

''(E) nuclear incident response.''.

(2) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4203 and inserting the following new item:

''Sec. 4203. Nuclear weapons stockpile stewardship, management, and infrastructure plan.''.

(b) REPEAL OF REQUIREMENT FOR BIENNIAL REPORT ON STOCKPILE STEWARDSHIP CRITERIA.—

(1) IN GENERAL.—Section 4202 of the Atomic Energy Defense Act (50 U.S.C. 2522) is amended by striking subsections (c) and (d).

(2) TECHNICAL AMENDMENT.—The heading of such section is amended to read as follows: ''***stockpile stewardship criteria***''.

(3) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4202 and inserting the following new item:

''Sec. 4202. Stockpile stewardship criteria.''.

(c) REPEAL OF REQUIREMENT FOR BIENNIAL PLAN ON MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.—Section 4203A of the Atomic Energy Defense Act (50 U.S.C. 2523A) is repealed.

(d) REPEAL OF REQUIREMENT FOR ANNUAL UPDATE TO STOCKPILE MANAGEMENT PROGRAM PLAN.—Section 4204 of the Atomic Energy Defense Act (50 U.S.C. 2524) is amended—

(1) by striking subsections (c) and (d); and

(2) by redesignating subsection (e) as subsection (c).

(e) NUCLEAR TEST BAN READINESS PROGRAM.—Section 4207 of the Atomic Energy Defense Act (50 U.S.C. 2527) is amended by striking subsection (e).

(f) REPEAL OF REQUIREMENT FOR REPORTS ON NUCLEAR TEST READINESS.—

(1) AEDA.—

(A) IN GENERAL.—Section 4208 of the Atomic Energy Defense Act (50 U.S.C. 2528) is repealed.

(B) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4208.

(2) NDAA FISCAL YEAR 1996.—Section 3152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 623) is repealed.

SEC. 3135. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) GAO ENVIRONMENTAL MANAGEMENT REPORTS.—Section 3134 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2713) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''The Comptroller'' and all that follows through ''(2),'' and inserting ''Beginning on the date on which the report under subsection (b)(2) is submitted, the Comptroller General shall conduct a review'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking ''the end of the period described in paragraph (2)'' and inserting ''August 30, 2012''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''subsection (c)(3)'' and inserting ''subsection (c)(2)''; and

(B) in paragraph (2), by striking ''90 days'' and all that follows through ''(c)(3)'' and inserting ''April 30, 2016, or the date that is 210 days after the date on which all American Recovery and Reinvestment Act funds have been obligated or expended (or are no longer available to be obligated or expended), whichever is earlier''.

(b) WORKFORCE RESTRUCTURING PLAN UPDATES.—

(1) IN GENERAL.—Section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704), as amended by section 3131(q)(1), is amended—

(A) in subsection (b)(1), by striking ''and any updates of the plan under subsection (e)'';

(B) by striking subsection (e);

(C) in subsection (f)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraph (3), as added by such section 3131(q)(1), as paragraph (2); and

(D) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(2) CONFORMING AMENDMENT.—Section 4643(d)(1) of the Atomic Energy Defense Act (50 U.S.C. 2733(d)(1)) is amended by striking ''section 4604(g)'' and inserting ''section 4604(f)''.

(c) UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION QUARTERLY REPORT.—Section 148 of the Atomic Energy Act of 1954 (42 U.S.C. 2168) is amended by striking subsection e.

Subtitle D—Reports

SEC. 3141. NOTIFICATION OF NUCLEAR CRITICALITY AND NON-NUCLEAR INCIDENTS.

(a) NOTIFICATION.—

(1) IN GENERAL.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended by adding after section 4645, as added by section 3151, the following new section:

''SEC. 4646. NOTIFICATION OF NUCLEAR CRITICALITY AND NON-NUCLEAR INCIDENTS.

''(a) NOTIFICATION.—The Secretary of Energy and the Administrator, as the case may be, shall submit to the appropriate congressional committees a notification of a nuclear criticality incident resulting from a covered program that results in an injury or fatality or results in the shut-down, or partial shut-down, of a covered facility by not later than 15 days after the date of such incident.

''(b) ELEMENTS OF NOTIFICATION.—Each notification submitted under subsection (a) shall include the following:

''(1) A description of the incident, including the cause of the incident.

''(2) In the case of a criticality incident, whether the incident caused a facility, or part of a facility, to be shut-down.

''(3) The affect, if any, on the mission of the Administration or the Office of Environmental Management of the Department of Energy.

''(4) Any corrective action taken in response to the incident.

''(c) DATABASE.—(1) The Secretary and the Administrator shall each maintain a record of incidents described in paragraph (2).

''(2) An incident described in this paragraph is any of the following incidents resulting from a covered program:

''(A) A nuclear criticality incident that results in an injury or fatality or results in the shut-down, or partial shut-down, of a covered facility.

''(B) A non-nuclear incident that results in serious bodily injury or fatality at a covered facility.

''(d) COOPERATION.—In carrying out this section, the Secretary and the Administrator shall ensure that each management and operating contractor of a covered facility cooperates in a timely manner.

''(e) DEFINITIONS.—In this section:

''(1) The term 'appropriate congressional committees' means—

''(A) the congressional defense committees; and

''(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

''(2) The term 'covered facility' means—

''(A) a facility of the nuclear security enterprise; and

''(B) a facility conducting activities for the defense environmental cleanup program of the Office of Environmental Management of the Department of Energy.

''(3) The term 'covered program' means—

''(A) programs of the Administration; and

''(B) defense environmental cleanup programs of the Office of Environmental Management of the Department of Energy.''.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by inserting after the item relating to section 4645 the following new item:

''Sec. 4646. Notification of nuclear criticality and non-nuclear incidents.''.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy and the Administrator for Nuclear Security shall each submit to the appropriate congressional committees a report detailing any incidents described in paragraph (2) that occurred during the 10-year period before the date of the report.

(2) INCIDENTS DESCRIBED.—An incident described in this paragraph is any of the following incidents that occurred as a result of programs of the National Nuclear Security Administration or defense environmental cleanup programs of the Office of Environmental Management of the Department of Energy:

(A) A nuclear criticality incident that resulted in an injury or fatality or resulted in the shut-down, or partial shut-down, of a facility of the nuclear security enterprise or a facility conducting activities for such defense environmental cleanup programs.

(B) A non-nuclear incident that results in serious bodily injury or fatality at such a facility.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the congressional defense committees; and

(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 3142. REPORTS ON LIFETIME EXTENSION PROGRAMS.

(a) PROTOTYPES.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended by inserting after section 4214 the following new section:

''SEC. 4215. REPORTS ON LIFETIME EXTENSION PROGRAMS.

''(a) REPORTS REQUIRED.—Before proceeding beyond phase 6.2 activities with respect to any lifetime extension program, the director of the national security laboratory responsible for such program shall submit to the congressional defense committees a report on the lifetime extension option selected for such program, including—

''(1) whether such option selected is refurbishment, reuse, or replacement; and

''(2) why such option was selected, including an assessment of the advantages and disadvantages of the two options not selected.

''(b) PHASE 6.2 ACTIVITIES DEFINED.—In this section, the term 'phase 6.2 activities' means, with respect to a lifetime extension program, the phase 6.2 feasibility study and option down-select.''.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by inserting after the item relating to section 4214 the following new item:

''Sec. 4215. Reports on lifetime extension programs.''.

SEC. 3143. NATIONAL ACADEMY OF SCIENCES STUDY ON PEER REVIEW AND DESIGN COMPETITION RELATED TO NUCLEAR WEAPONS.

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall enter into an agreement with the National Academy of Sciences to conduct a study of peer review and design competition related to nuclear weapons.

(b) ELEMENTS.—The study required by subsection (a) shall include an assessment of—

(1) the quality and effectiveness of peer review of designs, development plans, engineering and scientific activities, and priorities related to both nuclear and non-nuclear aspects of nuclear weapons;

(2) incentives for effective peer review;

(3) the potential effectiveness, efficiency, and cost of alternative methods of conducting peer review and design competition related to both nuclear and non-nuclear aspects of nuclear weapons, as compared to current methods;

(4) the known instances where current peer review practices and design competition succeeded or failed to find problems or potential problems; and

(5) such other matters related to peer review and design competition related to nuclear weapons as the Administrator considers appropriate.

(c) COOPERATION AND ACCESS TO INFORMATION AND PERSONNEL.—The Administrator shall ensure that the National Academy of Sciences receives full and timely cooperation, including full access to information and personnel, from the National Nuclear Security Administration and the management and operating contractors of the Administration for the purposes of conducting the study under subsection (a).

(d) REPORT.—

(1) IN GENERAL.—The National Academy of Sciences shall submit to the Administrator a report containing the results of the study conducted under subsection (a) and any recommendations resulting from the study.

(2) SUBMITTAL TO CONGRESS.—Not later than December 15, 2014, the Administrator shall submit to the Committees on Armed Services of the House of Representatives and Senate the report submitted under paragraph (1) and any comments or recommendations of the Administrator with respect to the report.

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

SEC. 3144. REPORT ON DEFENSE NUCLEAR NONPROLIFERATION PROGRAMS.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1 of each year from 2013 through 2015, the Administrator for Nuclear Security shall submit to the appropriate congressional committees a report on the budget, objectives, and metrics of the defense nuclear nonproliferation programs of the National Nuclear Security Administration.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An identification and explanation of uncommitted balances that are more than the acceptable carryover thresholds, as determined by the Secretary of Energy, on a program-by-program basis.

(B) An identification of foreign countries that are sharing the cost of implementing defense nuclear nonproliferation programs, including an explanation of such cost sharing.

(C) A description of objectives and measurements for each defense nuclear nonproliferation program.

(D) A description of the proliferation of nuclear weapons threat and how each defense nuclear nonproliferation program activity counters the threat.

(E) A description and assessment of nonproliferation activities coordinated with the Department of Defense to maximize efficiency and avoid redundancies.

(F) A description of how the defense nuclear nonproliferation programs are prioritized to meet the most urgent nonproliferation requirements.

(b) 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.

(c) FORM.—The report required by subsection (a)(1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 3145. STUDY ON REUSE OF PLUTONIUM PITS.

(a) STUDY.—Not later than 120 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a study of plutonium pits, including—

(1) the availability of plutonium pits—

(A) as of the date of the report; and

(B) after such date as a result of the dismantlement of nuclear weapons; and

(2) an assessment of the potential for reusing plutonium pits in future life extension programs.

(b) MATTERS INCLUDED.—The study submitted under subsection (a) shall include the following:

(1) The feasibility and practicability of potential full or partial reuse options with respect to plutonium pits.

(2) The benefits and risks of reusing plutonium pits.

(3) The potential costs and cost savings of such reuse.

(4) The effects of such reuse on the requirements for plutonium pit manufacturing.

Subtitle E—Other Matters

SEC. 3151. USE OF PROBABILISTIC RISK ASSESSMENT TO ENSURE NUCLEAR SAFETY.

(a) IN GENERAL.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended by adding after section 4644 the following new section:

"SEC. 4645. USE OF PROBABILISTIC RISK ASSESSMENT TO ENSURE NUCLEAR SAFETY OF FACILITIES OF THE ADMINISTRATION AND THE OFFICE OF ENVIRONMENTAL MANAGEMENT.

''(a) NUCLEAR SAFETY AT NNSA AND DOE FACILITIES.—The Administrator and the Secretary of Energy shall ensure that the methods for assessing, certifying, and overseeing nuclear safety at the facilities specified in subsection (b) use national and international standards and nuclear industry best practices, including probabilistic or quantitative risk assessment if sufficient data exists.

''(b) FACILITIES SPECIFIED.—Subsection (a) shall apply—

''(1) to the Administrator with respect to the national security laboratories and the nuclear weapons production facilities; and

''(2) to the Secretary of Energy with respect to defense nuclear facilities of the Office of Environmental Management of the Department of Energy.''.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by inserting after the item relating to section 4644 the following new item:

''Sec. 4645. Use of probabilistic risk assessment to ensure nuclear safety of facilities of the Administration and the Office of Environmental Management.''.

SEC. 3152. ADVICE TO PRESIDENT AND CONGRESS REGARDING SAFETY, SECURITY, AND RELIABILITY OF UNITED STATES NUCLEAR WEAPONS STOCKPILE AND NUCLEAR FORCES.

(a) IN GENERAL.—Section 1305 of the National Defense Authorization Act for Fiscal Year 1998 (42 U.S.C. 7274p) is—

(1) transferred to the Atomic Energy Defense Act (50 U.S.C. 2501 et seq.);

(2) inserted after section 4215 of such Act, as added by section 3142(a);

(3) redesignated as section 4216; and

(4) amended—

(A) by amending subsection (f) to read as follows:

''(f) EXPRESSION OF INDIVIDUAL VIEWS.—No individual, including representatives of the President, may take any action against, or otherwise constrain, a director of a national security laboratory or a nuclear weapons production facility, a member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command from presenting the professional views of the individual to the President, the National Security Council, or Congress regarding—

''(1) the safety, security, reliability, or credibility of the nuclear weapons stockpile and nuclear forces; or

''(2) the status of, and plans for, the capabilities and infrastructure that support and sustain the nuclear weapons stockpile and nuclear forces.''; and

(B) by redesignating subsection (g) as subsection (h); and

(C) by inserting after subsection (f) the following new subsection (g):

''(g) DELIVERY OF CLASSIFIED INFORMATION TO CONGRESS.—(1) The directors of the national security laboratories, the directors of the nuclear weapons production facilities, the members of the Joint Nuclear Weapons Council, and the Commander of the United States Strategic Command are each authorized to provide directly to Congress classified information with respect to matters described by paragraphs (1) or (2) of subsection (f).

''(2) The Administrator and Secretary of Defense shall ensure that direct classified mail channels are established between the national security laboratories, nuclear weapons production facilities, members of the Joint Nuclear Weapons Council, the United States Strategic Command, and the congressional defense committees to carry out this subsection.''.

(b) CONFORMING AMENDMENT.—Section 4215 of the Atomic Energy Defense Act, as added by subsection (a), is amended—

(1) by striking ''nuclear weapons laboratories'' each place it appears and inserting ''national security laboratories'';

(2) by striking ''nuclear weapons laboratory'' each place it appears and inserting ''national security laboratory'';

(3) by striking ''nuclear weapons production plants'' each place it appears and inserting ''nuclear weapons production facilities'';

(4) by striking ''nuclear weapons production plant'' each place it appears and inserting ''nuclear weapons production facility''; and

(5) by amending subsection (h), as redesignated by subsection (a)(4)(B), to read as follows:

''(h) REPRESENTATIVE OF THE PRESIDENT DEFINED.—In this section, the term 'representative of the President' means the following:

''(1) Any official of the Department of Defense or the Department of Energy who is appointed by the President and confirmed by the Senate.

''(2) Any member or official of the National Security Council.

''(3) Any member or official of the Joint Chiefs of Staff.

''(4) Any official of the Office of Management and Budget.''.

(c) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by inserting after the item relating to section 4215 the following new item:

''Sec. 4216. Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile.''.

SEC. 3153. CLASSIFICATION OF CERTAIN RESTRICTED DATA.

Section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162) is amended—

(1) in subsection d.—

(A) by inserting ''(1)'' before ''The Commission''; and

(B) by adding at the end the following:

''(2) The Commission may restore to the Restricted Data category information related to the design of nuclear weapons (in this subsection referred to as 'design information') removed under paragraph (1) if the Commission and the Department of Defense jointly determines that—

''(A) the programmatic requirements that caused the design information to be removed from the Restricted Data category are no longer applicable or have diminished;

''(B) the design information would be more appropriately protected as Restricted Data; and

''(C) restoring the design information to the Restricted Data category is in the interest of national security.

''(3) In carrying out paragraph (2), design information shall be restored to the Restricted Data category in accordance with regulations implemented pursuant to this section.''; and

(2) in subsection e.—

(A) by inserting ''(1)'' before ''The Commission'';

(B) by striking ''Central'' and inserting ''National''; and

(C) by adding at the end the following:

''(2) The Commission may restore to the Restricted Data category information related to foreign nuclear programs (in this subsection referred to as 'foreign nuclear information') removed under paragraph (1) if the Commission and the Director of National Intelligence jointly determine that—

''(A) the programmatic requirements that caused the foreign nuclear information to be removed from the Restricted Data category are no longer applicable or have diminished;

''(B) the foreign nuclear information would be more appropriately protected as Restricted Data; and

''(C) restoring the foreign nuclear information to the Restricted Data category is in the interest of national security.

''(3) In carrying out paragraph (2), foreign nuclear information shall be restored to the Restricted Data category in accordance with regulations implemented pursuant to this section.''.

SEC. 3154. INDEPENDENT COST ASSESSMENTS FOR LIFE EXTENSION PROGRAMS, NEW NUCLEAR FACILITIES, AND OTHER MATTERS.

(a) COST ASSESSMENT.—To inform the decisions made by the Nuclear Weapons Council established by section 179 of title 10, United States Code, the Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation and in coordination with the Administrator for Nuclear Security, shall assess the cost of options and alternatives for—

(1) new nuclear weapon life extension programs; and

(2) new nuclear facilities within the nuclear security enterprise that are estimated to cost more than $500,000,000.

(b) REPORT.—Not later than 30 days after the date on which each assessment conducted under subsection (a) is completed, the Administrator for Nuclear Security and the Secretary of Defense shall jointly submit to the congressional defense committees a report containing the results of such assessment.

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

(d) AUTHORITY FOR FURTHER ASSESSMENTS.—Upon the request of the Administrator for Nuclear Security, the Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation and in consultation with the Administrator, may conduct a cost assessment of any initiative of the National Nuclear Security Administration that is estimated to cost more than $500,000,000.

SEC. 3155. ASSESSMENT OF NUCLEAR WEAPON PIT PRODUCTION REQUIREMENT.

(a) ASSESSMENT.—The Secretary of Defense and the Secretary of Energy, in coordination with the Commander of the United States Strategic Command, shall jointly assess the annual plutonium pit production requirement needed to sustain a safe, secure, and reliable nuclear weapon arsenal.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to the congressional defense committees a report regarding the assessment conducted under section (a), including—

(A) an explanation of the rationale and assumptions that led to the current 50 to 80 plutonium pit production requirement, including the factors considered in determining such requirement;

(B) an analysis of whether there are any changes to the current 50 to 80 plutonium pit production requirement, including the reasons for any such changes;

(C) the implications for national security, for maintaining the nuclear weapons stockpile (including the impact on options available for life extension programs), and for costs of having pit production capacity at—

(i) 10 to 20 pits per year;

(ii) 20 to 30 pits per year;

(iii) 30 to 50 pits per year; and

(iv) 50 to 80 pits per year; and

(D) the implications of various pit production capacities on the requirements for the nuclear weapon hedge or reserve forces of the United States.

(2) UPDATE.—If the report under paragraph (1) does not incorporate the results of the Nuclear Posture Review Implementation Study, the Secretary of Defense and the Secretary of Energy, in coordination with the Commander of the United States Strategic Command, shall jointly submit to the congressional defense committees an update to the report under paragraph (1) that incorporates the results of such study by not later than 90 days after the date on which such committees receive such study.

(c) FORM.—The reports under paragraphs (1) and (2) of subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 3156. INTELLECTUAL PROPERTY RELATED TO URANIUM ENRICHMENT.

(a) IN GENERAL.—Subject to subsection (b), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for defense nuclear nonproliferation, the Secretary of Energy may make available not more than $150,000,000 for the development and demonstration of domestic national-security-related enrichment technologies as provided in subsection (c).

(b) CERTIFICATION.—Not later than 30 days before the date on which the Secretary makes an amount available under subsection (a), the Secretary shall submit to the congressional defense committees—

(1) written certification that such amount is needed for national security purposes; and

(2) a description of such purposes.

(c) ADMINISTRATION.—An amount made available by the Secretary under subsection (a) shall be used to provide, directly or indirectly, Federal funds, resources, or other assistance for the research, development, or deployment of domestic national-security-related enrichment technology, subject to the following requirements:

(1) The Secretary shall provide such assistance using merit selection procedures.

(2) The Secretary may provide such assistance only if the Secretary executes an agreement with the recipient (or any affiliate, successor, or assignee) of such funds, resources, or other assistance (in this section referred to as the ''recipient'') that requires—

(A) the achievement of specific technical criteria by the recipient by specific dates not later than June 30, 2014;

(B) that the recipient—

(i) immediately upon execution of the agreement, grant to the United States for use by or on behalf of the United States, through the Secretary, a royalty-free, non-exclusive license in all enrichment-related intellectual property and associated technical data owned, licensed, or otherwise controlled by the recipient as of the date of the enactment of this Act, or thereafter developed or acquired to meet the requirements of the agreement;

(ii) amend any existing agreement between the Secretary and the recipient to permit the Secretary to use or permit third parties on behalf of the Secretary to use intellectual property and associated technical data related to the award of funds, resources, or other assistance royalty-free for Government purposes, including completing or operating enrichment technologies and using them for national defense purposes, including providing nuclear material to operate commercial nuclear power reactors for tritium production; and

(iii) as soon as practicable, deliver to the Secretary all technical information and other documentation in its possession or control necessary to permit the Secretary to use all intellectual property related to domestic enrichment technologies described in this subparagraph; and

(C) any other condition or restriction the Secretary determines necessary to protect the interests of the United States.

(d) CONTROL OF PROPERTY.—If the Secretary determines that a recipient has not achieved the technical criteria required under an agreement under subsection (c)(2) by the date specified pursuant to subparagraph (A) of such subsection, the recipient shall, as soon as practicable, surrender custody, possession, and control, or return, as appropriate, any real or personal property owned or leased by the recipient, to the Secretary in connection with the deployment of enrichment technology, along with all capital improvements, equipment, fixtures, appurtenances, and other improvements thereto, and any further obligation by the Secretary under any such lease shall terminate.

(e) APPLICATION OF REQUIREMENTS.—The limitations and requirements in this section shall apply to funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 or any fiscal year thereafter for the development and demonstration of domestic national security-related enrichment technology.

(f) EXCEPTION.—Subsections (c) and (d) shall not apply with respect to the issuance of any loan guarantee pursuant to section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513).

SEC. 3157. SENSE OF CONGRESS ON COMPETITION AND FEES RELATED TO THE MANAGEMENT AND OPERATING CONTRACTS OF THE NUCLEAR SECURITY ENTERPRISE.

It is the sense of Congress that—

(1) in the past decade, competition of the management and operating contracts for the national security laboratories has resulted in significant increases in fees paid to the contractors—funding that otherwise could be used to support program and mission activities of the National Nuclear Security Administration;

(2) competition of the management and operating contracts of the nuclear security enterprise is an important mechanism to help realize cost savings, seek efficiencies, improve performance, and hold contractors accountable;

(3) when the Administrator for Nuclear Security considers it appropriate to achieve these goals, the Administrator should conduct competition of these contracts while recognizing the unique nature of federally funded research and development centers; and

(4) the Administrator should ensure that fixed fees and performance-based fees contained in management and operating contracts are as low as possible to maintain a focus on national service while attracting high-quality contractors and achieving the goals of the competition.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There is authorized to be appropriated for fiscal year 2013 $31,415,000 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.).

SEC. 3202. IMPROVEMENTS TO THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) ESTABLISHMENT.—Section 311 of the Atomic Energy Act of 1954 (42 U.S.C. 2286) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking ''Energy or any contractor of the Department of Energy'' and inserting ''Energy, the National Nuclear Security Administration, or any contractor of the Department or Administration''; and

(B) by striking paragraph (4);

(2) in subsection (c)—

(A) in the heading, by striking ''AND VICE CHAIRMAN'' and inserting '', VICE CHAIRMAN, AND MEMBERS'';

(B) in paragraph (2), by striking ''The Chairman'' and inserting ''In accordance with paragraphs (5) and (6), the Chairman''; and

(C) by adding at the end the following new paragraphs:

''(5) Each member of the Board, including the Chairman and Vice Chairman, shall—

''(A) have equal responsibility and authority in establishing decisions and determining actions of the Board regarding recommendations, budgets, senior staff, hearings and witnesses, investigations, subpoenas, and setting policies and regulations governing operations of the Board;

''(B) have full, simultaneous access to all information relating to the performance of the Board's functions, powers, and mission; and

''(C) have one vote.

''(6) Any member of the Board may propose an individual to be appointed to a senior staff position of the Board and require a determination by the Board under paragraph (5)(A) on whether such individual shall be appointed.'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''Except as provided under paragraph (2), the'' and inserting ''The'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2); and

(4) by amending subsection (e) to read as follows:

''(e) QUORUM.—(1) Three members of the Board shall constitute a quorum.

''(2) A quorum shall be required to take the actions of the Board described in subsection (c)(5)(A).''.

(b) MISSION AND FUNCTIONS.—

(1) IN GENERAL.—Section 312 of the Atomic Energy Act of 1954 (42 U.S.C. 2286a) is amended—

(A) in the heading, by inserting ''mission and'' before ''functions'';

(B) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(C) by inserting before subsection (b), as so redesignated, the following new subsection (a):

''(a) MISSION.—The mission of the Board shall be to provide independent analysis, advice, and recommendations to the Secretary of Energy to ensure that—

''(1) risks to public health and safety at the defense nuclear facilities of the Department of Energy are as low as reasonably practicable; and

''(2) public health and safety are adequately protected.'';

(D) in subsection (b), as so redesignated—

(i) in the heading, by striking ''IN GENERAL'' and inserting ''FUNCTIONS'';

(ii) in paragraph (1), by inserting ''risks to public health and safety are as low as reasonably practicable and'' after ''to ensure that'';

(iii) in paragraph (4), by striking ''to ensure adequate protection of public health and safety'' each place it appears and inserting ''to ensure that risks to public health and safety are as low as reasonably practicable and public health and safety are adequately protected''; and

(iv) in paragraph (5)—

(I) by striking ''to ensure adequate protection of public health and safety'' and inserting ''to ensure that risks to public health and safety are as low as reasonably practicable and public health and safety are adequately protected'';

(II) by inserting '', and specifically assess,'' after ''shall consider''; and

(III) by inserting '', the costs and benefits, and the practicability'' after ''economic feasibility''.

(2) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Act of 1954 is amended by striking the item relating to section 312 and inserting the following new item:

''Sec. 312. Mission and functions of the board.''.

(c) POWERS.—Section 313 of the Atomic Energy Act of 1954 (42 U.S.C. 2286b) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''or a member authorized by the Board''; and

(B) in paragraph (2)(A), by striking the first sentence and inserting the following: ''Subpoenas may be issued only with the approval of a majority of the members of the Board and shall be served by any person designated by the Chairman, any member, or any person as otherwise provided by law.''; and

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

''(3) Of the funds appropriated to the Board to carry out this chapter, each member of the Board, other than the Chairman, may employ at least one technical advisor to serve in the immediate office of the member to provide assistance to the member in carrying out the responsibilities of the member under this chapter. If employed in the immediate office of a member, such advisor shall report to such member and, notwithstanding section 311(c)(2)(A), may not be subject to the appointment, direction, or supervision of the Chairman.''; and

(3) in subsection (j)(2), by striking ''section 312(1)'' and inserting ''section 312(b)(1)''.

(d) BOARD RECOMMENDATIONS.—Section 315 of the Atomic Energy Act of 1954 (42 U.S.C. 2286d) is amended to read as follows:

"SEC. 315. BOARD RECOMMENDATIONS.

''(a) DRAFTS AND SUBMISSION OF RECOMMENDATIONS.—(1) Subject to subsections (f) and (g), the Board shall submit to the Secretary of Energy a draft of any recommendations under section 312 and any related findings, supporting data, and analyses before the date on which such recommendations are finalized.

''(2) The Secretary may provide to the Board comments on the recommendations not later than 45 days after the date on which the Secretary receives the draft submission of the Board under paragraph (1). The Board may grant, upon request by the Secretary, not more than an additional 30 days for the Secretary to submit comments to the Board.

''(3) After the period of time in which the Secretary may provide recommendations under paragraph (2) elapses, the Board may publish in the Federal Register either the original or a revised version of the recommendations based on the comments of the Secretary, together with a request for the submission to the Board of public comments on such recommendations. Interested persons shall have 30 days after the date of publication in which to submit comments, data, views, or arguments to the Board concerning the recommendations. The Board shall furnish the Secretary with copies of all comments, data, views, and arguments submitted to it under this paragraph.

''(b) DISPOSITION OF RECOMMENDATIONS.—(1) Not later than 60 days after publication of the recommendations under subsection (a)(3), the Secretary of Energy shall publish in the Federal Register and transmit to the Board, in writing, a statement of the final decision of the Secretary with respect to whether the Secretary accepts or rejects, in whole or in part, such recommendations, including a description of any actions to be taken in response to the recommendations, any expected schedule, cost, technical, or program impacts of such recommendations, and the views of the Secretary regarding such recommendations. The Board may grant, upon request by the Secretary, not more than an additional 30 days for the Secretary to transmit such statement to the Board.

''(2) The Board may hold hearings for the purpose of obtaining public comments on its recommendations and the disposition of such recommendations by the Secretary of Energy.

''(c) REJECTION OF RECOMMENDATIONS.—If the Secretary of Energy, in a statement under subsection (b)(1), rejects (in whole or part) any recommendation made by the Board under subsection (a), the Board may transmit to the Secretary and the Committees on Armed Services and Appropriations of the Senate and the House of Representatives a letter describing the views and perspectives of the Board regarding the Secretary's disposition of the Board's recommendations.

''(d) IMPLEMENTATION PLAN.—The Secretary of Energy shall prepare a plan for the implementation of each Board recommendation, or part of a recommendation, that is accepted by the Secretary in the statement under subsection (b)(1). Not later than 120 days after the date on which such statement is published, the Secretary shall transmit to the Board such implementation plan. The Secretary may implement any such recommendation (or part of any such recommendation) before, on, or after the date on which the Secretary transmits the implementation plan to the Board under this subsection.

''(e) IMPLEMENTATION.—(1) Subject to paragraph (2), not later than one year after the date on which the Secretary of Energy transmits an implementation plan with respect to a recommendation (or part thereof) under subsection (d), the Secretary shall carry out and complete the implementation plan. If complete implementation of the plan takes more than one year, the Secretary of Energy shall submit a report to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives setting forth the reasons for the delay and when implementation will be completed.

''(2) If the Secretary of Energy determines that the implementation of a Board recommendation (or part thereof) is impracticable because of budgetary considerations, or that the implementation would affect the Secretary's ability to meet the annual nuclear weapons stockpile requirements established pursuant to section 91 of this Act, the Secretary shall submit to the President and the Committees on Armed Services and Appropriations of the Senate and the House of Representatives a report containing the recommendation and the Secretary's determination.

''(f) IMMINENT OR SEVERE THREAT.—(1) In any case in which the Board determines that a recommendation submitted to the Secretary of Energy under section 312 relates to an imminent or severe threat to public health and safety, the Board and the Secretary of Energy shall proceed under this subsection in lieu of subsections (a) and (b).

''(2) The Board shall transmit to the President, the Secretary of Defense, and the Secretary of Energy a recommendation relating to an imminent or severe threat to public health and safety. Not later than 15 days after the date on which such recommendation is received, the Secretary of Energy shall submit the comments and views of the Secretary to the President. The President shall review such comments and views and shall make the decision concerning the acceptance or rejection of the Board's recommendation.

''(3) After receipt by the President of the recommendation from the Board under this subsection, the Board shall promptly make such recommendation available to the public and shall submit such recommendation to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives. The President shall promptly notify such committees of the decision made by the President under paragraph (2) and the reasons for that decision.

''(g) LIMITATION.—Notwithstanding any other provision of this section, the requirements to make information available to the public under this section—

''(1) shall not apply in the case of information that is classified; and

''(2) shall be subject to the orders and regulations issued by the Secretary of Energy under sections 147 and 148 of this Act to prohibit dissemination of certain information.''.

(e) REPORTS.—Section 316 of the Atomic Energy Act of 1954 (42 U.S.C. 2286e) is amended by striking ''to the Speaker of'' each place it appears.

(f) INFORMATION TO CONGRESS.—Section 320 of the Atomic Energy Act of 1954 (42 U.S.C. 2286h–1) is amended by striking ''the Congress'' and inserting ''Committees on Armed Services and Appropriations of the Senate and the House of Representatives''.

(g) INSPECTOR GENERAL.—Chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.) is amended by adding at the end the following new section:

"SEC. 322. INSPECTOR GENERAL.

''The Board shall enter into an agreement with an agency of the Federal Government to procure the services of the Inspector General of such agency for the Board.''.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $14,909,000 for fiscal year 2013 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 2013.

Funds are hereby authorized to be appropriated for fiscal year 2013, to be available without fiscal year limitation if so provided in 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, $77,253,000, of which—

(A) $67,253,000 shall remain available until expended for Academy operations; and

(B) $10,000,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $16,045,000, of which—

(A) $2,400,000 shall remain available until expended for student incentive payments;

(B) $2,545,000 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, $12,717,000, 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, $3,750,000, all of which shall remain available until expended for administrative expenses of the program.

SEC. 3502. APPLICATION OF THE FEDERAL ACQUISITION REGULATION.

Section 3502(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106–398 (114 Stat. 1645A–490), is amended by striking ''the enactment of this Act'' and inserting ''contract award''.

SEC. 3503. PROCUREMENT OF SHIP DISPOSAL.

Section 113(e)(15) of title 40, United States Code, is amended—

(1) by inserting ''disposal for recycling and all contracts related thereto (including contracts for towing, dry-docking, sale or purchase of services for recycling, or management of vessels during disposal),'' after ''charter, construction, reconstruction,'';

(2) by striking ''merchant''; and

(3) by inserting ''and with the Federal Acquisition Regulation'' after ''under this subtitle''.

SEC. 3504. LIMITATION OF NATIONAL DEFENSE RESERVE FLEET VESSELS TO THOSE OVER 1,500 GROSS TONS.

Section 57101(a) of title 46, United States Code, is amended by inserting ''of 1,500 gross tons or more or such other vessels as the Secretary of Transportation shall determine are appropriate'' after ''Administration''.

SEC. 3505. DONATION OF EXCESS FUEL TO MARITIME ACADEMIES.

Section 51103(b)(1) of title 46, United States Code, is amended by striking so much as precedes paragraph (2) and inserting the following:

''(b) PROPERTY FOR INSTRUCTIONAL PURPOSES.—

''(1) IN GENERAL.—The Secretary of Transportation may cooperate with and assist the institutions named in paragraph (2) by making vessels, fuel, shipboard equipment, and other marine equipment, owned by the United States Government and determined by the entity having custody and control of such property to be excess or surplus, available to those institutions for instructional purposes, by gift, loan, sale, lease, or charter on terms and conditions the Secretary considers appropriate. The consent of the Secretary of Navy shall be obtained with respect to any property from National Defense Reserve Fleet vessels, 50 U.S.C. App. 1744, where such vessels are either Ready Reserve Force vessels or other National Defense Reserve Fleet vessels determined to be of sufficient value to the Navy to warrant their further preservation and retention.''.

SEC. 3506. CLARIFICATION OF HEADING.

(a) IN GENERAL.—The heading of section 57103 of title 46, United States Code, is amended to read as follows:

''§ 57103. Donation of nonretention vessels in the national defense reserve fleet''.

(b) CONFORMING AMENDMENT.—The item relating to section 57103 in the analysis of chapter 571 of such title is amended to read as follows:

''57103. Donation of nonretention vessels in the national defense reserve fleet.''.

SEC. 3507. TRANSFER OF VESSELS TO THE NATIONAL DEFENSE RESERVE FLEET.

Section 57101 of title 46, United States Code, is amended by adding at the end the following:

''(c) AUTHORITY OF FEDERAL ENTITIES TO TRANSFER VESSELS.—All Federal entities are authorized to transfer vessels to the National Defense Reserve Fleet without reimbursement subject to the approval of the Secretary of Transportation and the Secretary of the Navy with respect to Ready Reserve Force vessels and the Secretary of Transportation with respect to all other vessels.''.

SEC. 3508. AMENDMENTS RELATING TO THE NATIONAL DEFENSE RESERVE FLEET.

Subparagraphs (B), (C), and (D) of sections 11(c)(1) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(c)(1)) are amended to read as follows:

''(B) activate and conduct sea trials on each vessel at a frequency that is deemed necessary;

''(C) maintain and adequately crew, as necessary, in an enhanced readiness status those vessels that are scheduled to be activated in 5 or less days;

''(D) locate those vessels that are scheduled to be activated near embarkation ports specified for those vessels; and''.

SEC. 3509. EXTENSION OF MARITIME SECURITY FLEET PROGRAM.

(a) Section 53101 of title 46, United States Code, is amended—

(1) by amending paragraph (4) to read as follows:

''(4) FOREIGN COMMERCE.—The term foreign commerce means—

''(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and

''(B) commerce or trade between foreign countries.'';

(2) by striking paragraph (5);

(3) by redesignating paragraphs (6) through (13) as paragraphs (5) through (12), respectively; and

(4) by amending paragraph (5), as so redesignated, to read as follows:

''(5) PARTICIPATING FLEET VESSEL.—The term participating fleet vessel means any vessel that—

''(A) on October 1, 2015—

''(i) meets the requirements of paragraph (1), (2), (3), or (4) of section 53102(c); and

''(ii) is less than 20 years of age if the vessel is a tank vessel, or is less than 25 years of age for all other vessel types; and

''(B) on December 31, 2014, is covered by an operating agreement under this chapter.''.

(b) Section 53102(b) of such title is amended to read as follows:

''(b) VESSEL ELIGIBILITY.—A vessel is eligible to be included in the Fleet if—

''(1) the vessel meets the requirements of paragraph (1), (2), (3), or (4) of subsection (c);

''(2) the vessel is operated (or in the case of a vessel to be constructed, will be operated) in providing transportation in foreign commerce;

''(3) the vessel is self-propelled and—

''(A) is a tank vessel that is 10 years of age or less on the date the vessel is included in the Fleet; or

''(B) is any other type of vessel that is 15 years of age or less on the date the vessel is included in the Fleet;

''(4) the vessel—

''(A) is suitable for use by the United States for national defense or military purposes in time of war or national emergency, as determined by the Secretary of Defense; and

''(B) is commercially viable, as determined by the Secretary; and

''(5) the vessel—

''(A) is a United States-documented vessel; or

''(B) is not a United States-documented vessel, but—

''(i) the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of this title if it is included in the Fleet; and

''(ii) at the time an operating agreement for the vessel is entered into under this chapter, the vessel is eligible for documentation under chapter 121 of this title.''.

(c) Section 53103 of such title is amended—

(1) by amending subsection (b) to read as follows:

''(b) EXTENSION OF EXISTING OPERATING AGREEMENTS.—

''(1) OFFER TO EXTEND.—Not later than 60 days after the date of enactment of this paragraph, the Secretary shall offer, to an existing contractor, to extend, through September 30, 2025, an operating agreement that is in existence on the date of enactment of this paragraph. The terms and conditions of the extended operating agreement shall include terms and conditions authorized under this chapter, as amended from time to time.

''(2) TIME LIMIT.—An existing contractor shall have not later than 120 days after the date the Secretary offers to extend an operating agreement to agree to the extended operating agreement.

''(3) SUBSEQUENT AWARD.—The Secretary may award an operating agreement to an applicant that is eligible to enter into an operating agreement for fiscal years 2016 through 2025 if the existing contractor does not agree to the extended operating agreement under paragraph (2).''; and

(2) by amending subsection (c) to read as follows:

''(c) PROCEDURE FOR AWARDING NEW OPERATING AGREEMENTS.—The Secretary may enter into a new operating agreement with an applicant that meets the requirements of section 53102(c) (for vessels that meet the qualifications of section 53102(b)) on the basis of priority for vessel type established by military requirements of the Secretary of Defense. The Secretary shall allow an applicant at least 30 days to submit an application for a new operating agreement. After consideration of military requirements, priority shall be given to an applicant that is a United States citizen under section 50501 of this title. The Secretary may not approve an application without the consent of the Secretary of Defense. The Secretary shall enter into an operating agreement with the applicant or provide a written reason for denying the application.''.

(d) Section 53104 of such title is amended—

(1) in subsection (c), by striking paragraph (3); and

(2) in subsection (e), by striking ''an operating agreement under this chapter is terminated under subsection (c)(3), or if''.

(e) Section 53105 of such title is amended—

(1) by amending subsection (e) to read as follows:

''(e) TRANSFER OF OPERATING AGREEMENTS.—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the operating agreement) to any person that is eligible to enter into the operating agreement under this chapter if the Secretary and the Secretary of Defense determine that the transfer is in the best interests of the United States. A transaction shall not be considered a transfer of an operating agreement if the same legal entity with the same vessels remains the contracting party under the operating agreement.''; and

(2) by amending subsection (f) to read as follows:

''(f) REPLACEMENT VESSELS.—A contractor may replace a vessel under an operating agreement with another vessel that is eligible to be included in the Fleet under section 53102(b), if the Secretary, in conjunction with the Secretary of Defense, approves the replacement of the vessel.''.

(f) Section 53106 of such title is amended—

(1) in subsection (a)(1), by striking ''and (C) $3,100,000 for each of fiscal years 2012 through 2025.'' and inserting the following:

''(C) $3,100,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

''(D) $3,500,000 for each of fiscal years 2019, 2020, and 2021; and

''(E) $3,700,000 for each of fiscal years 2022, 2023, 2024, and 2025.'';

(2) in subsection (c)(3)(C), by striking ''a LASH vessel.'' and inserting ''a lighter aboard ship vessel.''; and

(3) by striking subsection (f).

(g) Section 53107(b)(1) is amended to read as follows:

''(1) IN GENERAL.—An Emergency Preparedness Agreement under this section shall require that a contractor for a vessel covered by an operating agreement under this chapter shall make commercial transportation resources (including services) available, upon request by the Secretary of Defense during a time of war or national emergency, or whenever the Secretary of Defense determines that it is necessary for national security or contingency operation (as that term is defined in section 101 of title 10, United States Code).''.

(h) Section 53109 is repealed.

(i) Section 53111 is amended—

(1) by striking ''and'' at the end of paragraph (2); and

(2) by amending paragraph (3) to read as follows:

''(3) $186,000,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

''(4) $210,000,000 for each of fiscal years 2019, 2020, and 2021; and

''(5) $222,000,000 for each fiscal year thereafter through fiscal year 2025.''.

(j) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by—

(1) paragraphs (2), (3), and (4) of section 3308(a) of this Act take effect on December 31, 2014; and

(2) section 3308(f)(2) of this Act take effect on December 31, 2014.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of

sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
01	UTILITY F/W AIRCRAFT	18,639	18,639
03	MQ–1 UAV	518,088	518,088
04	RQ–11 (RAVEN)	25,798	25,798
	ROTARY		
06	HELICOPTER, LIGHT UTILITY (LUH).	271,983	271,983
07	AH–64 APACHE BLOCK IIIA REMAN.	577,115	577,115
08	ADVANCE PROCUREMENT (CY).	107,707	107,707
09	AH–64 APACHE BLOCK IIIB NEW BUILD.	153,993	153,993
10	ADVANCE PROCUREMENT (CY).	146,121	146,121
13	UH–60 BLACKHAWK M MODEL (MYP).	1,107,087	1,107,087
14	ADVANCE PROCUREMENT (CY).	115,113	115,113
15	CH–47 HELICOPTER	1,076,036	1,076,036
16	ADVANCE PROCUREMENT (CY).	83,346	83,346
	MODIFICATION OF AIRCRAFT		
18	MQ–1 PAYLOAD—UAS	231,508	231,508
20	GUARDRAIL MODS (MIP)	16,272	16,272
21	MULTI SENSOR ABN RECON (MIP).	4,294	4,294
22	AH–64 MODS	178,805	178,805
23	CH–47 CARGO HELICOPTER MODS (MYP).	39,135	39,135
24	UTILITY/CARGO AIRPLANE MODS.	24,842	24,842
26	UTILITY HELICOPTER MODS.	73,804	73,804
27	KIOWA WARRIOR MODS ...	192,484	192,484
29	NETWORK AND MISSION PLAN.	190,789	190,789
30	COMMS, NAV SURVEILLANCE.	133,191	133,191
31	GATM ROLLUP	87,280	87,280
32	RQ–7 UAV MODS	104,339	104,339
	GROUND SUPPORT AVIONICS		
34	AIRCRAFT SURVIVABILITY EQUIPMENT.	34,037	34,037
36	CMWS	127,751	127,751
	OTHER SUPPORT		
37	AVIONICS SUPPORT EQUIPMENT.	4,886	4,886
38	COMMON GROUND EQUIPMENT.	82,511	82,511
39	AIRCREW INTEGRATED SYSTEMS.	77,381	77,381
40	AIR TRAFFIC CONTROL	47,235	47,235
41	INDUSTRIAL FACILITIES ...	1,643	1,643
42	LAUNCHER, 2.75 ROCKET	516	516
	TOTAL AIRCRAFT PROCUREMENT, ARMY.	**5,853,729**	**5,853,729**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
01	PATRIOT SYSTEM SUMMARY.	646,590	696,590
	Additional PAC–3 missiles.		[50,000]
02	MSE MISSILE	12,850	12,850
	AIR-TO-SURFACE MISSILE SYSTEM		
04	HELLFIRE SYS SUMMARY	1,401	11,401
	Program increase ...		[10,000]
	ANTI-TANK/ASSAULT MISSILE SYS		
05	JAVELIN (AAWS-M) SYSTEM SUMMARY.	81,121	81,121
06	TOW 2 SYSTEM SUMMARY.	64,712	64,712
07	ADVANCE PROCUREMENT (CY).	19,931	19,931
08	GUIDED MLRS ROCKET (GMLRS).	218,679	218,679
09	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR).	18,767	18,767
10	HIGH MOBILITY ARTILLERY ROCKET SYSTEM.	12,051	12,051
	MODIFICATIONS		
11	PATRIOT MODS	199,565	199,565
13	MLRS MODS	2,466	2,466
14	HIMARS MODIFICATIONS	6,068	6,068
	SPARES AND REPAIR PARTS		
16	SPARES AND REPAIR PARTS.	7,864	7,864
	SUPPORT EQUIPMENT & FACILITIES		
17	AIR DEFENSE TARGETS ...	3,864	3,864
18	ITEMS LESS THAN $5 MILLION (MISSILES).	1,560	1,560
19	PRODUCTION BASE SUPPORT.	5,200	5,200
	TOTAL MISSILE PROCUREMENT, ARMY.	**1,302,689**	**1,362,689**
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
01	STRYKER VEHICLE	286,818	286,818
	MODIFICATION OF TRACKED COMBAT VEHICLES		
03	STRYKER (MOD)	60,881	60,881
04	FIST VEHICLE (MOD)	57,257	57,257
05	BRADLEY PROGRAM (MOD).	148,193	288,193
	Program increase ...		[140,000]
06	HOWITZER, MED SP FT 155MM M109A6 (MOD).	10,341	10,341
07	PALADIN PIM MOD IN SERVICE.	206,101	206,101
08	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES).	107,909	169,909
	Program increase ...		[62,000]
09	ASSAULT BREACHER VEHICLE.	50,039	50,039
10	M88 FOV MODS	29,930	29,930
11	M1 ABRAMS TANK (MOD)	129,090	129,090
12	ABRAMS UPGRADE PROGRAM.	74,433	255,433
	Program increase ...		[181,000]
	SUPPORT EQUIPMENT & FACILITIES		
13	PRODUCTION BASE SUPPORT (TCV-WTCV).	1,145	1,145
	WEAPONS & OTHER COMBAT VEHICLES		
14	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY.	506	0
	XM25 funding ahead of need.		[–506]
17	LIGHTWEIGHT .50 CALIBER MACHINE GUN.	25,183	25,183
19	MORTAR SYSTEMS	8,104	8,104
21	XM320 GRENADE LAUNCHER MODULE (GLM).	14,096	14,096
24	CARBINE	21,272	21,272
25	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS).	6,598	6,598
26	COMMON REMOTELY OPERATED WEAPONS STATION.	56,725	56,725
27	HOWITZER LT WT 155MM (T).	13,827	13,827
	MOD OF WEAPONS AND OTHER COMBAT VEH		
29	M777 MODS	26,843	26,843
30	M4 CARBINE MODS	27,243	27,243
31	M2 50 CAL MACHINE GUN MODS.	39,974	39,974
32	M249 SAW MACHINE GUN MODS.	4,996	4,996
33	M240 MEDIUM MACHINE GUN MODS.	6,806	6,806
34	SNIPER RIFLES MODIFICATIONS.	14,113	14,113
35	M119 MODIFICATIONS	20,727	20,727
36	M16 RIFLE MODS	3,306	3,306
37	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV).	3,072	3,072
	SUPPORT EQUIPMENT & FACILITIES		
38	ITEMS LESS THAN $5 MILLION (WOCV-WTCV).	2,026	2,026
39	PRODUCTION BASE SUPPORT (WOCV-WTCV).	10,115	10,115
40	INDUSTRIAL PREPAREDNESS.	442	442
41	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG).	2,378	2,378
	SPARES		
42	SPARES AND REPAIR PARTS (WTCV).	31,217	31,217
	TOTAL PROCUREMENT OF W&TCV, ARMY.	**1,501,706**	**1,884,200**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
01	CTG, 5.56MM, ALL TYPES	158,313	123,513
	Unit cost savings ..		[–34,800]
02	CTG, 7.62MM, ALL TYPES	91,438	91,438
03	CTG, HANDGUN, ALL TYPES.	8,954	8,954
04	CTG, .50 CAL, ALL TYPES	109,604	109,604
05	CTG, 20MM, ALL TYPES ..	4,041	4,041
06	CTG, 25MM, ALL TYPES ..	12,654	12,654
07	CTG, 30MM, ALL TYPES ..	72,154	54,154
	Pricing adjustments for target practice round and light-weight dual-purpose round.		[–18,000]
08	CTG, 40MM, ALL TYPES ..	60,138	60,138
	MORTAR AMMUNITION		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
09	60MM MORTAR, ALL TYPES.	44,375	44,375
10	81MM MORTAR, ALL TYPES.	27,471	27,471
11	120MM MORTAR, ALL TYPES.	87,811	87,811
	TANK AMMUNITION		
12	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES.	112,380	112,380
	ARTILLERY AMMUNITION		
13	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP.	50,861	50,861
14	ARTILLERY PROJECTILE, 155MM, ALL TYPES.	26,227	26,227
15	PROJ 155MM EXTENDED RANGE XM982.	110,329	55,329
	Excalibur I-b round schedule delay.		[–55,000]
16	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL.	43,924	43,924
	MINES		
17	MINES & CLEARING CHARGES, ALL TYPES.	3,775	3,775
	NETWORKED MUNITIONS		
18	SPIDER NETWORK MUNITIONS, ALL TYPES.	17,408	17,408
	ROCKETS		
19	SHOULDER LAUNCHED MUNITIONS, ALL TYPES.	1,005	1,005
20	ROCKET, HYDRA 70, ALL TYPES.	123,433	123,433
	OTHER AMMUNITION		
21	DEMOLITION MUNITIONS, ALL TYPES.	35,189	35,189
22	GRENADES, ALL TYPES ...	33,477	33,477
23	SIGNALS, ALL TYPES	9,991	9,991
24	SIMULATORS, ALL TYPES	10,388	10,388
	MISCELLANEOUS		
25	AMMO COMPONENTS, ALL TYPES.	19,383	19,383
26	NON-LETHAL AMMUNITION, ALL TYPES.	7,336	7,336
27	CAD/PAD ALL TYPES	6,641	6,641
28	ITEMS LESS THAN $5 MILLION.	15,092	15,092
29	AMMUNITION PECULIAR EQUIPMENT.	15,692	15,692
30	FIRST DESTINATION TRANSPORTATION (AMMO).	14,107	14,107
31	CLOSEOUT LIABILITIES	106	106
	PRODUCTION BASE SUPPORT		
32	PROVISION OF INDUSTRIAL FACILITIES.	220,171	220,171
33	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL.	182,461	182,461
34	ARMS INITIATIVE	3,377	3,377
	TOTAL PROCUREMENT OF AMMUNITION, ARMY.	**1,739,706**	**1,631,906**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
01	SEMITRAILERS, FLATBED:	7,097	7,097
02	FAMILY OF MEDIUM TACTICAL VEH (FMTV).	346,115	346,115
03	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP.	19,292	19,292
04	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV).	52,933	52,933
05	PLS ESP	18,035	18,035
09	TRUCK, TRACTOR, LINE HAUL, M915/M916.	3,619	3,619
10	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV.	26,859	26,859
12	TACTICAL WHEELED VEHICLE PROTECTION KITS.	69,163	69,163
13	MODIFICATION OF IN SVC EQUIP.	91,754	91,754
	NON-TACTICAL VEHICLES		
18	PASSENGER CARRYING VEHICLES.	2,548	2,548
19	NONTACTICAL VEHICLES, OTHER.	16,791	16,791
	COMM—JOINT COMMUNICATIONS		
20	JOINT COMBAT IDENTIFICATION MARKING SYSTEM.	10,061	10,061
21	WIN-T—GROUND FORCES TACTICAL NETWORK.	892,635	872,635
	Program adjustment.		[–20,000]
22	SIGNAL MODERNIZATION PROGRAM.	45,626	45,626
23	JCSE EQUIPMENT (USREDCOM).	5,143	5,143
	COMM—SATELLITE COMMUNICATIONS		
24	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS.	151,636	151,636
25	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS.	6,822	6,822
26	SHF TERM	9,108	9,108
28	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE).	27,353	27,353
29	SMART-T (SPACE)	98,656	98,656
31	GLOBAL BRDCST SVC—GBS.	47,131	47,131
32	MOD OF IN-SVC EQUIP (TAC SAT).	23,281	23,281
	COMM—C3 SYSTEM		
34	ARMY GLOBAL CMD & CONTROL SYS (AGCCS).	10,848	10,848
	COMM—COMBAT COMMUNICATIONS		
35	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO).	979	979
36	JOINT TACTICAL RADIO SYSTEM.	556,250	521,250
	Program adjustment.		[–35,000]
37	MID-TIER NETWORKING VEHICULAR RADIO (MNVR).	86,219	76,219
	Program adjustment.		[–10,000]
38	RADIO TERMINAL SET, MIDS LVT(2).	7,798	7,798
39	SINCGARS FAMILY	9,001	9,001
40	AMC CRITICAL ITEMS—OPA2.	24,601	24,601
41	TRACTOR DESK	7,779	7,779
43	SPIDER APLA REMOTE CONTROL UNIT.	34,365	19,365
	Program delay		[–15,000]
44	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS.	1,833	1,833
45	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM.	12,984	12,984
47	GUNSHOT DETECTION SYSTEM (GDS).	2,332	2,332
48	RADIO, IMPROVED HF (COTS) FAMILY.	1,132	1,132
49	MEDICAL COMM FOR CBT CASUALTY CARE (MC4).	22,899	22,899
	COMM—INTELLIGENCE COMM		
51	CI AUTOMATION ARCHITECTURE.	1,564	1,564
52	RESERVE CA/MISO GPF EQUIPMENT.	28,781	28,781
	INFORMATION SECURITY		
53	TSEC—ARMY KEY MGT SYS (AKMS).	23,432	23,432
54	INFORMATION SYSTEM SECURITY PROGRAM-ISSP.	43,897	43,897
	COMM—LONG HAUL COMMUNICATIONS		
56	TERRESTRIAL TRANSMISSION.	2,891	2,891
57	BASE SUPPORT COMMUNICATIONS.	13,872	13,872
58	WW TECH CON IMP PROG (WWTCIP).	9,595	9,595
	COMM—BASE COMMUNICATIONS		
59	INFORMATION SYSTEMS ..	142,133	142,133
61	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM.	57,727	57,727
62	PENTAGON INFORMATION MGT AND TELECOM.	5,000	5,000
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
65	JTT/CIBS-M	1,641	1,641
66	PROPHET GROUND	48,797	48,797
69	DCGS-A (MIP)	184,007	184,007
70	JOINT TACTICAL GROUND STATION (JTAGS).	2,680	2,680
71	TROJAN (MIP)	21,483	21,483
72	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP).	2,412	2,412
73	CI HUMINT AUTO REPRINTING AND COLLECTION.	7,077	7,077
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
75	LIGHTWEIGHT COUNTER MORTAR RADAR.	72,594	72,594
76	CREW	15,446	15,446
78	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES.	1,470	1,470
79	CI MODERNIZATION	1,368	1,368
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
80	FAAD GBS	7,980	7,980
81	SENTINEL MODS	33,444	33,444
82	SENSE THROUGH THE WALL (STTW).	6,212	6,212
83	NIGHT VISION DEVICES ...	166,516	166,516
85	NIGHT VISION, THERMAL WPN SIGHT.	82,162	82,162
86	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF.	20,717	20,717
89	GREEN LASER INTERDICTION SYSTEM (GLIS).	1,014	1,014
90	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS.	29,881	29,881
91	PROFILER	12,482	12,482
92	MOD OF IN-SVC EQUIP (FIREFINDER RADARS).	3,075	3,075
94	JOINT BATTLE COMMAND—PLATFORM (JBC-P).	141,385	141,385
96	MOD OF IN-SVC EQUIP (LLDR).	22,403	22,403
98	MORTAR FIRE CONTROL SYSTEM.	29,505	29,505
99	COUNTERFIRE RADARS ...	244,409	244,409
100	ENHANCED SENSOR & MONITORING SYSTEM (WMD).	2,426	2,426
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
101	TACTICAL OPERATIONS CENTERS.	30,196	30,196

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
102	FIRE SUPPORT C2 FAMILY	58,903	58,903
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM.	8,111	8,111
104	FAAD C2	5,031	5,031
105	AIR & MSL DEFENSE PLANNING & CONTROL SYS.	64,144	64,144
106	KNIGHT FAMILY	11,999	11,999
107	LIFE CYCLE SOFTWARE SUPPORT (LCSS).	1,853	1,853
108	AUTOMATIC IDENTIFICATION TECHNOLOGY.	14,377	14,377
111	NETWORK MANAGEMENT INITIALIZATION AND SERVICE.	59,821	59,821
112	MANEUVER CONTROL SYSTEM (MCS).	51,228	51,228
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE).	176,901	176,901
114	RECONNAISSANCE AND SURVEYING INSTRUMENT SET.	15,209	15,209
	ELECT EQUIP—AUTOMATION		
115	ARMY TRAINING MODERNIZATION.	8,866	8,866
116	AUTOMATED DATA PROCESSING EQUIP.	129,438	129,438
117	GENERAL FUND ENTERPRISE BUSINESS SYS FAM.	9,184	9,184
118	CSS COMMUNICATIONS	20,639	20,639
119	RESERVE COMPONENT AUTOMATION SYS (RCAS).	35,493	35,493
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
120	ITEMS LESS THAN $5 MILLION (A/V).	8,467	8,467
121	ITEMS LESS THAN $5 MILLION.	5,309	5,309
	ELECT EQUIP—SUPPORT		
122	PRODUCTION BASE SUPPORT (C-E).	586	586
	CLASSIFIED PROGRAMS		
124A	CLASSIFIED PROGRAMS	3,435	3,435
	CHEMICAL DEFENSIVE EQUIPMENT		
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE).	3,960	3,960
127	BASE DEFENSE SYSTEMS (BDS).	4,374	4,374
128	CBRN SOLDIER PROTECTION.	9,259	9,259
	BRIDGING EQUIPMENT		
130	TACTICAL BRIDGING	35,499	35,499
131	TACTICAL BRIDGE, FLOAT-RIBBON.	32,893	32,893
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
134	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS).	29,106	29,106
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT).	25,459	25,459
136	REMOTE DEMOLITION SYSTEMS.	8,044	8,044
137	< $5M, COUNTERMINE EQUIPMENT.	3,698	3,698
	COMBAT SERVICE SUPPORT EQUIPMENT		
138	HEATERS AND ECU'S	12,210	12,210
139	SOLDIER ENHANCEMENT	6,522	6,522
140	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS).	11,222	11,222
141	GROUND SOLDIER SYSTEM.	103,317	103,317
144	FIELD FEEDING EQUIPMENT.	27,417	27,417
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM.	52,065	52,065
146	MORTUARY AFFAIRS SYSTEMS.	2,358	2,358
147	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS.	31,573	31,573
148	ITEMS LESS THAN $5 MILLION.	14,093	14,093
	PETROLEUM EQUIPMENT		
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER.	36,266	36,266
	MEDICAL EQUIPMENT		
150	COMBAT SUPPORT MEDICAL.	34,101	34,101
151	MEDEVAC MISSON EQUIPMENT PACKAGE (MEP).	20,540	20,540
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS.	2,495	2,495
	CONSTRUCTION EQUIPMENT		
154	GRADER, ROAD MTZD, HVY, 6X4 (CCE).	2,028	2,028
156	SCRAPERS, EARTHMOVING.	6,146	6,146
157	MISSION MODULES—ENGINEERING.	31,200	31,200
161	TRACTOR, FULL TRACKED	20,867	20,867
162	ALL TERRAIN CRANES	4,003	4,003
163	PLANT, ASPHALT MIXING	3,679	3,679
164	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE).	30,042	30,042
165	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA.	13,725	13,725
166	CONST EQUIP ESP	13,351	13,351
167	ITEMS LESS THAN $5 MILLION (CONST EQUIP).	9,134	9,134
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
170	ITEMS LESS THAN $5 MILLION (FLOAT/RAIL).	10,552	10,552
	GENERATORS		
171	GENERATORS AND ASSOCIATED EQUIP.	60,302	60,302
	MATERIAL HANDLING EQUIPMENT		
173	FAMILY OF FORKLIFTS	5,895	5,895
	TRAINING EQUIPMENT		
175	COMBAT TRAINING CENTERS SUPPORT.	104,649	104,649
176	TRAINING DEVICES, NONSYSTEM.	125,251	125,251
177	CLOSE COMBAT TACTICAL TRAINER.	19,984	19,984
178	AVIATION COMBINED ARMS TACTICAL TRAINER.	10,977	10,977
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING.	4,056	4,056
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
180	CALIBRATION SETS EQUIPMENT.	10,494	10,494
181	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE).	45,508	45,508
182	TEST EQUIPMENT MODERNIZATION (TEMOD).	24,334	24,334
	OTHER SUPPORT EQUIPMENT		
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT.	5,078	5,078
184	PHYSICAL SECURITY SYSTEMS (OPA3).	46,301	46,301
185	BASE LEVEL COMMON EQUIPMENT.	1,373	1,373
186	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3).	59,141	59,141
187	PRODUCTION BASE SUPPORT (OTH).	2,446	2,446
188	SPECIAL EQUIPMENT FOR USER TESTING.	12,920	12,920
189	AMC CRITICAL ITEMS OPA3.	19,180	19,180
190	TRACTOR YARD	7,368	7,368
191	UNMANNED GROUND VEHICLE.	83,937	83,937
	OPA2		
193	INITIAL SPARES—C&E	64,507	64,507
	TOTAL OTHER PROCUREMENT, ARMY.	**6,326,245**	**6,246,245**
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND STAFF AND INFRASTRUCTURE		
04	OPERATIONS	227,414	0
	Transfer of funds to title 15.		[–227,414]
	TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND.	**227,414**	**0**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
01	EA–18G	1,027,443	997,443
	Cost growth-CFE electronics, non-recurring costs.		[–30,000]
02	ADVANCE PROCUREMENT (CY).		45,000
	Program increase		[45,000]
03	F/A–18E/F (FIGHTER) HORNET.	2,035,131	1,989,131
	Cost growth-CFE electronics, support costs.		[–46,000]
04	ADVANCE PROCUREMENT (CY).	30,296	30,296
05	JOINT STRIKE FIGHTER CV	1,007,632	1,007,632
06	ADVANCE PROCUREMENT (CY).	65,180	65,180
07	JSF STOVL	1,404,737	1,404,737
08	ADVANCE PROCUREMENT (CY).	106,199	106,199
09	V–22 (MEDIUM LIFT)	1,303,120	1,303,120
10	ADVANCE PROCUREMENT (CY).	154,202	154,202
11	H–1 UPGRADES (UH–1Y/AH–1Z).	720,933	720,933
12	ADVANCE PROCUREMENT (CY).	69,658	69,658
13	MH–60S (MYP)	384,792	384,792
14	ADVANCE PROCUREMENT (CY).	69,277	69,277
15	MH–60R (MYP)	656,866	826,866
	Cruiser Retention—Restore 5 helicopters.		[170,000]
16	ADVANCE PROCUREMENT (CY).	185,896	185,896
17	P–8A POSEIDON	2,420,755	2,420,755
18	ADVANCE PROCUREMENT (CY).	325,679	325,679
19	E–2D ADV HAWKEYE	861,498	861,498
20	ADVANCE PROCUREMENT (CY).	123,179	123,179
	TRAINER AIRCRAFT		
22	JPATS	278,884	278,884
	OTHER AIRCRAFT		
23	KC–130J	3,000	3,000
24	ADVANCE PROCUREMENT (CY).	22,995	22,995

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Line	Item	FY 2013 Request	House Authorized
25	ADVANCE PROCUREMENT (CY).	51,124	51,124
26	MQ–8 UAV	124,573	124,573
27	STUASL0 UAV	9,593	9,593
	MODIFICATION OF AIRCRAFT		
28	EA–6 SERIES	30,062	30,062
29	AEA SYSTEMS	49,999	49,999
30	AV–8 SERIES	38,703	38,703
31	ADVERSARY	4,289	4,289
32	F–18 SERIES	647,306	647,306
33	H–46 SERIES	2,343	2,343
34	AH–1W SERIES	8,721	8,721
35	H–53 SERIES	45,567	45,567
36	SH–60 SERIES	83,527	83,527
37	H–1 SERIES	6,508	6,508
38	EP–3 SERIES	66,374	66,374
39	P–3 SERIES	148,405	148,405
40	E–2 SERIES	16,322	16,322
41	TRAINER A/C SERIES	34,284	34,284
42	C–2A	4,743	4,743
43	C–130 SERIES	60,302	60,302
44	FEWSG	670	670
45	CARGO/TRANSPORT A/C SERIES.	26,311	26,311
46	E–6 SERIES	158,332	158,332
47	EXECUTIVE HELICOPTERS SERIES.	58,163	58,163
48	SPECIAL PROJECT AIRCRAFT.	12,421	12,421
49	T–45 SERIES	64,488	64,488
50	POWER PLANT CHANGES	21,569	21,569
51	JPATS SERIES	1,552	1,552
52	AVIATION LIFE SUPPORT MODS.	2,473	2,473
53	COMMON ECM EQUIPMENT.	114,690	114,690
54	COMMON AVIONICS CHANGES.	96,183	96,183
56	ID SYSTEMS	39,846	39,846
57	P–8 SERIES	5,302	5,302
58	MAGTF EW FOR AVIATION	34,127	34,127
59	RQ–7 SERIES	49,324	49,324
60	V–22 (TILT/ROTOR ACFT) OSPREY.	95,856	95,856
	AIRCRAFT SPARES AND REPAIR PARTS		
61	SPARES AND REPAIR PARTS.	1,166,430	1,126,430
	Spares cost growth—F–35C, F–35B, E–2D.		[–40,000]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
62	COMMON GROUND EQUIPMENT.	387,195	387,195
63	AIRCRAFT INDUSTRIAL FACILITIES.	23,469	23,469
64	WAR CONSUMABLES	43,383	43,383
65	OTHER PRODUCTION CHARGES.	3,399	3,399
66	SPECIAL SUPPORT EQUIPMENT.	32,274	32,274
67	FIRST DESTINATION TRANSPORTATION.	1,742	1,742
	TOTAL AIRCRAFT PROCUREMENT, NAVY.	**17,129,296**	**17,228,296**
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
01	TRIDENT II MODS	1,224,683	1,224,683
	SUPPORT EQUIPMENT & FACILITIES		
02	MISSILE INDUSTRIAL FACILITIES.	5,553	5,553
	STRATEGIC MISSILES		
03	TOMAHAWK	308,970	308,970
	TACTICAL MISSILES		
04	AMRAAM	102,683	112,683
	Program increase		[10,000]
05	SIDEWINDER	80,226	80,226
06	JSOW	127,609	137,809
	Program increase		[10,200]
07	STANDARD MISSILE	399,482	399,482
08	RAM	66,769	66,769
09	HELLFIRE	74,501	91,901
	Program increase		[17,400]
11	AERIAL TARGETS	61,518	61,518
12	OTHER MISSILE SUPPORT	3,585	3,585
	MODIFICATION OF MISSILES		
13	ESSM	58,194	58,194
14	HARM MODS	86,721	86,721
	SUPPORT EQUIPMENT & FACILITIES		
16	WEAPONS INDUSTRIAL FACILITIES.	2,014	2,014
17	FLEET SATELLITE COMM FOLLOW-ON.	21,454	21,454
	ORDNANCE SUPPORT EQUIPMENT		
18	ORDNANCE SUPPORT EQUIPMENT.	54,945	54,945
	TORPEDOES AND RELATED EQUIP		
19	SSTD	2,700	2,700
20	ASW TARGETS	10,385	10,385
	MOD OF TORPEDOES AND RELATED EQUIP		
21	MK–54 TORPEDO MODS	74,487	74,487
22	MK–48 TORPEDO ADCAP MODS.	54,281	54,281
23	QUICKSTRIKE MINE	6,852	6,852
	SUPPORT EQUIPMENT		
24	TORPEDO SUPPORT EQUIPMENT.	46,402	46,402
25	ASW RANGE SUPPORT	11,927	11,927
	DESTINATION TRANSPORTATION		
26	FIRST DESTINATION TRANSPORTATION.	3,614	3,614
	GUNS AND GUN MOUNTS		
27	SMALL ARMS AND WEAPONS.	12,594	12,594
	MODIFICATION OF GUNS AND GUN MOUNTS		
28	CIWS MODS	59,303	59,303
29	COAST GUARD WEAPONS	19,072	19,072
30	GUN MOUNT MODS	54,706	54,706
31	CRUISER MODERNIZATION WEAPONS.	1,591	19,622
	Cruiser retention—5″/62 Upgrade.		[18,031]
32	AIRBORNE MINE NEUTRALIZATION SYSTEMS.	20,607	20,607
	SPARES AND REPAIR PARTS		
34	SPARES AND REPAIR PARTS.	60,150	60,150
	TOTAL WEAPONS PROCUREMENT, NAVY.	**3,117,578**	**3,173,209**
	SHIPBUILDING & CONVERSION, NAVY		
	OTHER WARSHIPS		
01	CARRIER REPLACEMENT PROGRAM.	608,195	608,195
03	VIRGINIA CLASS SUBMARINE.	3,217,601	3,217,601
04	ADVANCE PROCUREMENT (CY).	874,878	1,652,878
	Advance procurement.		[778,000]
05	CVN REFUELING OVERHAULS.	1,613,392	1,613,392
06	ADVANCE PROCUREMENT (CY).	70,010	70,010
08	DDG 1000	669,222	669,222
09	DDG–51	3,048,658	3,048,658
10	ADVANCE PROCUREMENT (CY).	466,283	581,283
	Advance procurement.		[115,000]
11	LITTORAL COMBAT SHIP	1,784,959	1,784,959
	AMPHIBIOUS SHIPS		
15	JOINT HIGH SPEED VESSEL.	189,196	189,196
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
17	ADVANCE PROCUREMENT (CY).	307,300	307,300
18	OUTFITTING	309,648	309,648
20	LCAC SLEP	47,930	47,930
21	COMPLETION OF PY SHIPBUILDING PROGRAMS.	372,573	372,573
	TOTAL SHIPBUILDING & CONVERSION, NAVY.	**13,579,845**	**14,472,845**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
01	GENERAL PURPOSE BOMBS.	27,024	27,024
02	AIRBORNE ROCKETS, ALL TYPES.	56,575	56,575
03	MACHINE GUN AMMUNITION.	21,266	21,266
04	PRACTICE BOMBS	34,319	34,319
05	CARTRIDGES & CART ACTUATED DEVICES.	53,755	53,755
06	AIR EXPENDABLE COUNTERMEASURES.	61,693	61,693
07	JATOS	2,776	2,776
08	LRLAP 6″ LONG RANGE ATTACK PROJECTILE.	7,102	7,102
09	5 INCH/54 GUN AMMUNITION.	48,320	48,320
10	INTERMEDIATE CALIBER GUN AMMUNITION.	25,544	25,544
11	OTHER SHIP GUN AMMUNITION.	41,624	41,624
12	SMALL ARMS & LANDING PARTY AMMO.	65,893	65,893
13	PYROTECHNIC AND DEMOLITION.	11,176	11,176
14	AMMUNITION LESS THAN $5 MILLION.	4,116	4,116
	MARINE CORPS AMMUNITION		
15	SMALL ARMS AMMUNITION.	83,733	83,733
16	LINEAR CHARGES, ALL TYPES.	24,645	24,645
17	40MM, ALL TYPES	16,201	16,201
19	81MM, ALL TYPES	13,711	3,711
	Excess to need		[–10,000]
20	120MM, ALL TYPES	12,557	12,557
22	GRENADES, ALL TYPES	7,634	7,134
	Excess to need		[–500]
23	ROCKETS, ALL TYPES	27,528	27,528
24	ARTILLERY, ALL TYPES	93,065	93,065
25	DEMOLITION MUNITIONS, ALL TYPES.	2,047	0
	Excess to need		[–2,047]
26	FUZE, ALL TYPES	5,297	5,297
27	NON LETHALS	1,362	1,362
28	AMMO MODERNIZATION	4,566	4,566
29	ITEMS LESS THAN $5 MILLION.	6,010	6,010
	TOTAL PROCUREMENT OF AMMO, NAVY & MC.	**759,539**	**746,992**
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
01	LM–2500 GAS TURBINE	10,658	10,658
02	ALLISON 501K GAS TURBINE.	8,469	8,469

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Line	Item	FY 2013 Request	House Authorized
	NAVIGATION EQUIPMENT		
03	OTHER NAVIGATION EQUIPMENT.	23,392	23,392
	PERISCOPES		
04	SUB PERISCOPES & IMAGING EQUIP.	53,809	53,809
	OTHER SHIPBOARD EQUIPMENT		
05	DDG MOD	452,371	452,371
06	FIREFIGHTING EQUIPMENT	16,958	16,958
07	COMMAND AND CONTROL SWITCHBOARD.	2,492	2,492
08	POLLUTION CONTROL EQUIPMENT.	20,707	20,707
09	SUBMARINE SUPPORT EQUIPMENT.	12,046	12,046
10	VIRGINIA CLASS SUPPORT EQUIPMENT.	79,870	79,870
11	LCS CLASS SUPPORT EQUIPMENT.	19,865	19,865
12	SUBMARINE BATTERIES	41,522	41,522
13	LPD CLASS SUPPORT EQUIPMENT.	30,543	30,543
14	STRATEGIC PLATFORM SUPPORT EQUIP.	16,257	16,257
15	DSSP EQUIPMENT	3,630	3,630
16	CG MODERNIZATION	101,000	184,972
	Cruiser retention		[83,972]
17	LCAC	16,645	16,645
18	UNDERWATER EOD PROGRAMS.	35,446	35,446
19	ITEMS LESS THAN $5 MILLION.	65,998	65,998
20	CHEMICAL WARFARE DETECTORS.	4,359	4,359
21	SUBMARINE LIFE SUPPORT SYSTEM.	10,218	10,218
	REACTOR PLANT EQUIPMENT		
22	REACTOR POWER UNITS	286,859	286,859
23	REACTOR COMPONENTS	278,503	278,503
	OCEAN ENGINEERING		
24	DIVING AND SALVAGE EQUIPMENT.	8,998	8,998
	SMALL BOATS		
25	STANDARD BOATS	30,131	30,131
	TRAINING EQUIPMENT		
26	OTHER SHIPS TRAINING EQUIPMENT.	29,772	29,772
	PRODUCTION FACILITIES EQUIPMENT		
27	OPERATING FORCES IPE	64,346	64,346
	OTHER SHIP SUPPORT		
28	NUCLEAR ALTERATIONS	154,652	154,652
29	LCS COMMON MISSION MODULES EQUIPMENT.	31,319	31,319
30	LCS MCM MISSION MODULES.	38,392	38,392
31	LCS SUW MISSION MODULES.	32,897	32,897
	LOGISTIC SUPPORT		
32	LSD MIDLIFE	49,758	49,758
	SHIP SONARS		
34	SPQ–9B RADAR	19,777	19,777
35	AN/SQQ–89 SURF ASW COMBAT SYSTEM.	89,201	89,201
36	SSN ACOUSTICS	190,874	190,874
37	UNDERSEA WARFARE SUPPORT EQUIPMENT.	17,035	17,035
38	SONAR SWITCHES AND TRANSDUCERS.	13,410	13,410
	ASW ELECTRONIC EQUIPMENT		
40	SUBMARINE ACOUSTIC WARFARE SYSTEM.	21,489	21,489
41	SSTD	10,716	10,716
42	FIXED SURVEILLANCE SYSTEM.	98,896	98,896
43	SURTASS	2,774	2,774
44	MARITIME PATROL AND RECONNAISSANCE FORCE.	18,428	18,428
	ELECTRONIC WARFARE EQUIPMENT		
45	AN/SLQ–32	92,270	92,270
	RECONNAISSANCE EQUIPMENT		
46	SHIPBOARD IW EXPLOIT	107,060	108,185
	Cruiser Retention		[1,125]
47	AUTOMATED IDENTIFICATION SYSTEM (AIS).	914	914
	SUBMARINE SURVEILLANCE EQUIPMENT		
48	SUBMARINE SUPPORT EQUIPMENT PROG.	34,050	34,050
	OTHER SHIP ELECTRONIC EQUIPMENT		
49	COOPERATIVE ENGAGEMENT CAPABILITY.	27,881	27,881
50	TRUSTED INFORMATION SYSTEM (TIS).	448	448
51	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS).	35,732	35,732
53	NAVY COMMAND AND CONTROL SYSTEM (NCCS).	9,533	9,533
54	MINESWEEPING SYSTEM REPLACEMENT.	60,111	60,111
55	SHALLOW WATER MCM	6,950	6,950
56	NAVSTAR GPS RECEIVERS (SPACE).	9,089	9,089
57	AMERICAN FORCES RADIO AND TV SERVICE.	7,768	7,768
58	STRATEGIC PLATFORM SUPPORT EQUIP.	3,614	3,614
	TRAINING EQUIPMENT		
59	OTHER TRAINING EQUIPMENT.	42,911	42,911
	AVIATION ELECTRONIC EQUIPMENT		
60	MATCALS	5,861	5,861
61	SHIPBOARD AIR TRAFFIC CONTROL.	8,362	8,362
62	AUTOMATIC CARRIER LANDING SYSTEM.	15,685	15,685
63	NATIONAL AIR SPACE SYSTEM.	16,919	16,919
64	FLEET AIR TRAFFIC CONTROL SYSTEMS.	6,828	6,828
65	LANDING SYSTEMS	7,646	7,646
66	ID SYSTEMS	35,474	35,474
67	NAVAL MISSION PLANNING SYSTEMS.	9,958	9,958
	OTHER SHORE ELECTRONIC EQUIPMENT		
68	DEPLOYABLE JOINT COMMAND AND CONT.	9,064	9,064
69	MARITIME INTEGRATED BROADCAST SYSTEM.	16,026	16,026
70	TACTICAL/MOBILE C4I SYSTEMS.	11,886	11,886
71	DCGS-N	11,887	11,887
72	CANES	341,398	344,848
	Cruiser Retention		[3,450]
73	RADIAC	8,083	8,083
74	CANES-INTELL	79,427	79,427
75	GPETE	6,083	6,083
76	INTEG COMBAT SYSTEM TEST FACILITY.	4,495	4,495
77	EMI CONTROL INSTRUMENTATION.	4,767	4,767
78	ITEMS LESS THAN $5 MILLION.	81,755	81,755
	SHIPBOARD COMMUNICATIONS		
80	SHIP COMMUNICATIONS AUTOMATION.	56,870	58,023
	Cruiser Retention		[1,153]
81	MARITIME DOMAIN AWARENESS (MDA).	1,063	1,063
82	COMMUNICATIONS ITEMS UNDER $5M.	28,522	28,522
	SUBMARINE COMMUNICATIONS		
83	SUBMARINE BROADCAST SUPPORT.	4,183	4,183
84	SUBMARINE COMMUNICATION EQUIPMENT.	69,025	69,025
	SATELLITE COMMUNICATIONS		
85	SATELLITE COMMUNICATIONS SYSTEMS.	49,294	49,294
86	NAVY MULTIBAND TERMINAL (NMT).	184,825	186,540
	Cruiser Retention		[1,715]
	SHORE COMMUNICATIONS		
87	JCS COMMUNICATIONS EQUIPMENT.	2,180	2,180
88	ELECTRICAL POWER SYSTEMS.	1,354	1,354
	CRYPTOGRAPHIC EQUIPMENT		
90	INFO SYSTEMS SECURITY PROGRAM (ISSP).	144,104	144,104
	CRYPTOLOGIC EQUIPMENT		
91	CRYPTOLOGIC COMMUNICATIONS EQUIP.	12,604	12,604
	OTHER ELECTRONIC SUPPORT		
92	COAST GUARD EQUIPMENT.	6,680	6,680
	SONOBUOYS		
95	SONOBUOYS—ALL TYPES	104,677	104,677
	AIRCRAFT SUPPORT EQUIPMENT		
96	WEAPONS RANGE SUPPORT EQUIPMENT.	70,753	70,753
97	EXPEDITIONARY AIRFIELDS.	8,678	8,678
98	AIRCRAFT REARMING EQUIPMENT.	11,349	11,349
99	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT.	82,618	82,618
100	METEOROLOGICAL EQUIPMENT.	18,339	18,339
101	DCRS/DPL	1,414	1,414
102	AVIATION LIFE SUPPORT	40,475	40,475
103	AIRBORNE MINE COUNTERMEASURES.	61,552	61,552
104	LAMPS MK III SHIPBOARD EQUIPMENT.	18,771	18,771
105	PORTABLE ELECTRONIC MAINTENANCE AIDS.	7,954	7,954
106	OTHER AVIATION SUPPORT EQUIPMENT.	10,023	10,023
107	AUTONOMIC LOGISTICS INFORMATION SYSTEM (ALIS).	3,826	3,826
	SHIP GUN SYSTEM EQUIPMENT		
108	NAVAL FIRES CONTROL SYSTEM.	3,472	3,472
109	GUN FIRE CONTROL EQUIPMENT.	4,528	4,528
	SHIP MISSILE SYSTEMS EQUIPMENT		
110	NATO SEASPARROW	8,960	8,960
111	RAM GMLS	1,185	1,185
112	SHIP SELF DEFENSE SYSTEM.	55,371	55,371
113	AEGIS SUPPORT EQUIPMENT.	81,614	81,614
114	TOMAHAWK SUPPORT EQUIPMENT.	77,767	77,767
115	VERTICAL LAUNCH SYSTEMS.	754	754
116	MARITIME INTEGRATED PLANNING SYSTEM-MIPS.	4,965	4,965
	FBM SUPPORT EQUIPMENT		
117	STRATEGIC MISSILE SYSTEMS EQUIP.	181,049	181,049

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	ASW SUPPORT EQUIPMENT		
118	SSN COMBAT CONTROL SYSTEMS.	71,316	71,316
119	SUBMARINE ASW SUPPORT EQUIPMENT.	4,018	4,018
120	SURFACE ASW SUPPORT EQUIPMENT.	6,465	6,465
121	ASW RANGE SUPPORT EQUIPMENT.	47,930	47,930
	OTHER ORDNANCE SUPPORT EQUIPMENT		
122	EXPLOSIVE ORDNANCE DISPOSAL EQUIP.	3,579	3,579
123	ITEMS LESS THAN $5 MILLION.	3,125	3,125
	OTHER EXPENDABLE ORDNANCE		
124	ANTI-SHIP MISSILE DECOY SYSTEM.	31,743	42,981
	Cruiser Retention ...		[1,238]
	Program increase for NULKA decoys.		[10,000]
125	SURFACE TRAINING DEVICE MODS.	34,174	34,174
126	SUBMARINE TRAINING DEVICE MODS.	23,450	23,450
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
127	PASSENGER CARRYING VEHICLES.	7,158	7,158
128	GENERAL PURPOSE TRUCKS.	3,325	3,325
129	CONSTRUCTION & MAINTENANCE EQUIP.	8,692	8,692
130	FIRE FIGHTING EQUIPMENT.	14,533	14,533
131	TACTICAL VEHICLES	15,330	15,330
132	AMPHIBIOUS EQUIPMENT	10,803	10,803
133	POLLUTION CONTROL EQUIPMENT.	7,265	7,265
134	ITEMS UNDER $5 MILLION.	15,252	15,252
135	PHYSICAL SECURITY VEHICLES.	1,161	1,161
	SUPPLY SUPPORT EQUIPMENT		
136	MATERIALS HANDLING EQUIPMENT.	15,204	15,204
137	OTHER SUPPLY SUPPORT EQUIPMENT.	6,330	6,330
138	FIRST DESTINATION TRANSPORTATION.	6,539	6,539
139	SPECIAL PURPOSE SUPPLY SYSTEMS.	34,804	34,804
	TRAINING DEVICES		
140	TRAINING SUPPORT EQUIPMENT.	25,444	25,444
	COMMAND SUPPORT EQUIPMENT		
141	COMMAND SUPPORT EQUIPMENT.	43,165	43,165
142	EDUCATION SUPPORT EQUIPMENT.	2,251	2,251
143	MEDICAL SUPPORT EQUIPMENT.	3,148	3,148
146	NAVAL MIP SUPPORT EQUIPMENT.	3,502	3,502
148	OPERATING FORCES SUPPORT EQUIPMENT.	15,696	15,696
149	C4ISR EQUIPMENT	4,344	4,344
150	ENVIRONMENTAL SUPPORT EQUIPMENT.	19,492	19,492
151	PHYSICAL SECURITY EQUIPMENT.	177,149	177,149
152	ENTERPRISE INFORMATION TECHNOLOGY.	183,995	183,995
	CLASSIFIED PROGRAMS		
152A	CLASSIFIED PROGRAMS ..	13,063	13,063
	SPARES AND REPAIR PARTS		
153	SPARES AND REPAIR PARTS.	250,718	250,718
	TOTAL OTHER PROCUREMENT, NAVY.	**6,169,378**	**6,272,031**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
01	AAV7A1 PIP	16,089	16,089
02	LAV PIP	186,216	45,316
	Budget adjustment per USMC.		[–140,900]
	ARTILLERY AND OTHER WEAPONS		
03	EXPEDITIONARY FIRE SUPPORT SYSTEM.	2,502	2,502
04	155MM LIGHTWEIGHT TOWED HOWITZER.	17,913	17,913
05	HIGH MOBILITY ARTILLERY ROCKET SYSTEM.	47,999	47,999
06	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION.	17,706	17,706
	OTHER SUPPORT		
07	MODIFICATION KITS	48,040	48,040
08	WEAPONS ENHANCEMENT PROGRAM.	4,537	4,537
	GUIDED MISSILES		
09	GROUND BASED AIR DEFENSE.	11,054	11,054
11	FOLLOW ON TO SMAW	19,650	19,650
12	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H).	20,708	20,708
	COMMAND AND CONTROL SYSTEMS		
14	UNIT OPERATIONS CENTER.	1,420	1,420
	REPAIR AND TEST EQUIPMENT		
15	REPAIR AND TEST EQUIPMENT.	25,127	25,127
	OTHER SUPPORT (TEL)		
16	COMBAT SUPPORT SYSTEM.	25,822	25,822
17	MODIFICATION KITS	2,831	2,831
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
18	ITEMS UNDER $5 MILLION (COMM & ELEC).	5,498	5,498
19	AIR OPERATIONS C2 SYSTEMS.	11,290	11,290
	RADAR + EQUIPMENT (NON-TEL)		
20	RADAR SYSTEMS	128,079	128,079
21	RQ–21 UAS	27,619	27,619
	INTELL/COMM EQUIPMENT (NON-TEL)		
22	FIRE SUPPORT SYSTEM ...	7,319	7,319
23	INTELLIGENCE SUPPORT EQUIPMENT.	7,466	7,466
25	RQ–11 UAV	2,318	2,318
26	DCGS-MC	18,291	18,291
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
29	NIGHT VISION EQUIPMENT	48,084	48,084
	OTHER SUPPORT (NON-TEL)		
30	COMMON COMPUTER RESOURCES.	206,708	206,708
31	COMMAND POST SYSTEMS.	35,190	35,190
32	RADIO SYSTEMS	89,059	89,059
33	COMM SWITCHING & CONTROL SYSTEMS.	22,500	22,500
34	COMM & ELEC INFRASTRUCTURE SUPPORT.	42,625	42,625
	CLASSIFIED PROGRAMS		
035A	CLASSIFIED PROGRAMS ..	2,290	2,290
	ADMINISTRATIVE VEHICLES		
35	COMMERCIAL PASSENGER VEHICLES.	2,877	2,877
36	COMMERCIAL CARGO VEHICLES.	13,960	13,960
	TACTICAL VEHICLES		
37	5/4T TRUCK HMMWV (MYP).	8,052	8,052
38	MOTOR TRANSPORT MODIFICATIONS.	50,269	50,269
40	LOGISTICS VEHICLE SYSTEM REP.	37,262	37,262
41	FAMILY OF TACTICAL TRAILERS.	48,160	48,160
	OTHER SUPPORT		
43	ITEMS LESS THAN $5 MILLION.	6,705	6,705
	ENGINEER AND OTHER EQUIPMENT		
44	ENVIRONMENTAL CONTROL EQUIP ASSORT.	13,576	13,576
45	BULK LIQUID EQUIPMENT	16,869	16,869
46	TACTICAL FUEL SYSTEMS	19,108	19,108
47	POWER EQUIPMENT ASSORTED.	56,253	56,253
48	AMPHIBIOUS SUPPORT EQUIPMENT.	13,089	13,089
49	EOD SYSTEMS	73,699	73,699
	MATERIALS HANDLING EQUIPMENT		
50	PHYSICAL SECURITY EQUIPMENT.	3,510	3,510
51	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE).	11,490	11,490
52	MATERIAL HANDLING EQUIP.	20,659	20,659
53	FIRST DESTINATION TRANSPORTATION.	132	132
	GENERAL PROPERTY		
54	FIELD MEDICAL EQUIPMENT.	31,068	31,068
55	TRAINING DEVICES	45,895	45,895
56	CONTAINER FAMILY	5,801	5,801
57	FAMILY OF CONSTRUCTION EQUIPMENT.	23,939	23,939
60	RAPID DEPLOYABLE KITCHEN.	8,365	8,365
	OTHER SUPPORT		
61	ITEMS LESS THAN $5 MILLION.	7,077	7,077
	SPARES AND REPAIR PARTS		
62	SPARES AND REPAIR PARTS.	3,190	3,190
	TOTAL PROCUREMENT, MARINE CORPS.	**1,622,955**	**1,482,055**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
01	F–35	3,124,302	3,124,302
02	ADVANCE PROCUREMENT (CY).	293,400	229,400
	Excess advance procurement.		[–64,000]
	OTHER AIRLIFT		
05	C–130J	68,373	68,373
07	HC–130J	152,212	152,212
09	MC–130J	374,866	374,866
12	C–27J		115,000
	C–27J buy-back		[115,000]
	HELICOPTERS		
15	HH–60 LOSS REPLACEMENT/RECAP.	60,596	60,596
17	CV–22 (MYP)	294,220	294,220
18	ADVANCE PROCUREMENT (CY).	15,000	15,000
	MISSION SUPPORT AIRCRAFT		
19	CIVIL AIR PATROL A/C	2,498	2,498
	OTHER AIRCRAFT		
24	TARGET DRONES	129,866	129,866
26	RQ–4	75,000	180,200

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(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	Sustain current force structure.		[105,200]
28	AC–130J	163,970	163,970
30	MQ–9	553,530	712,430
	Additional aircraft		[158,900]
31	RQ–4 BLOCK 40 PROC	11,654	11,654
	STRATEGIC AIRCRAFT		
32	B–2A	82,296	82,296
33	B–1B	149,756	149,756
34	B–52	9,781	9,781
35	LARGE AIRCRAFT INFRARED COUNTERMEASURES.	28,800	28,800
	TACTICAL AIRCRAFT		
36	A–10	89,919	89,919
37	F–15	148,378	148,378
38	F–16	6,896	6,896
39	F–22A	283,871	283,871
40	F–35 MODIFICATIONS	147,995	147,995
	AIRLIFT AIRCRAFT		
41	C–5	6,967	6,967
43	C–5M	944,819	944,819
44	ADVANCE PROCUREMENT (CY).	175,800	175,800
46	C–17A	205,079	205,079
47	C–21	199	199
48	C–32A	1,750	1,750
49	C–37A	445	445
	TRAINER AIRCRAFT		
51	GLIDER MODS	126	126
52	T–6	15,494	15,494
53	T–1	272	272
54	T–38	20,455	20,455
	OTHER AIRCRAFT		
56	U–2 MODS	44,477	44,477
57	KC–10A (ATCA)	46,921	46,921
58	C–12	1,876	1,876
59	MC–12W	17,054	17,054
60	C–20 MODS	243	243
61	VC–25A MOD	11,185	11,185
62	C–40	243	243
63	C–130	67,853	67,853
65	C–130J MODS	70,555	70,555
66	C–135	46,707	46,707
67	COMPASS CALL MODS	50,024	50,024
68	RC–135	165,237	165,237
69	E–3	193,099	193,099
70	E–4	47,616	47,616
71	E–8	59,320	59,320
72	H–1	5,449	5,449
73	H–60	26,227	26,227
74	RQ–4 MODS	9,257	9,257
75	HC/MC–130 MODIFICATIONS.	22,326	22,326
76	OTHER AIRCRAFT	18,832	18,832
77	MQ–1 MODS	30,861	30,861
78	MQ–9 MODS	238,360	238,360
79	MQ–9 UAS PAYLOADS	93,461	93,461
80	CV–22 MODS	23,881	23,881
	AIRCRAFT SPARES AND REPAIR PARTS		
81	INITIAL SPARES/REPAIR PARTS.	729,691	728,291
	Premature request for deployment spares packages for F–35.		[–23,000]
	Support additional MQ–9 aircraft.		[21,600]
	COMMON SUPPORT EQUIPMENT		
82	AIRCRAFT REPLACEMENT SUPPORT EQUIP.	56,542	56,542
	POST PRODUCTION SUPPORT		
83	A–10	5,100	5,100
84	B–1	965	965
86	B–2A	47,580	47,580
88	KC–10A (ATCA)	13,100	13,100
89	C–17A	181,703	181,703
90	C–130	31,830	31,830
91	C–135	13,434	13,434
92	F–15	2,363	2,363
93	F–16	8,506	8,506
96	OTHER AIRCRAFT	9,522	9,522
	INDUSTRIAL PREPAREDNESS		
97	INDUSTRIAL RESPONSIVENESS.	20,731	20,731
	WAR CONSUMABLES		
98	WAR CONSUMABLES	89,727	89,727
	OTHER PRODUCTION CHARGES		
99	OTHER PRODUCTION CHARGES.	842,392	842,392
	CLASSIFIED PROGRAMS		
103A	CLASSIFIED PROGRAMS	20,164	20,164
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE.	**11,002,999**	**11,316,699**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
01	ROCKETS	8,927	8,927
	CARTRIDGES		
02	CARTRIDGES	118,075	118,075
	BOMBS		
03	PRACTICE BOMBS	32,393	32,393
04	GENERAL PURPOSE BOMBS.	163,467	163,467
05	JOINT DIRECT ATTACK MUNITION.	101,921	101,921
	FLARE, IR MJU–7B		
06	CAD/PAD	43,829	43,829
07	EXPLOSIVE ORDNANCE DISPOSAL (EOD).	7,515	7,515
08	SPARES AND REPAIR PARTS.	1,003	1,003
09	MODIFICATIONS	5,321	5,321
10	ITEMS LESS THAN $5 MILLION.	5,066	5,066
	FUZES		
11	FLARES	46,010	46,010
12	FUZES	36,444	36,444
	SMALL ARMS		
13	SMALL ARMS	29,223	29,223
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.	**599,194**	**599,194**
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
01	MISSILE REPLACEMENT EQ-BALLISTIC.	56,906	56,906
	TACTICAL		
02	JASSM	240,399	240,399
03	SIDEWINDER (AIM–9X)	88,020	88,020
04	AMRAAM	229,637	244,637
	Program increase		[15,000]
05	PREDATOR HELLFIRE MISSILE.	47,675	47,675
06	SMALL DIAMETER BOMB	42,000	42,000
	INDUSTRIAL FACILITIES		
07	INDUSTR'L PREPAREDNS/POL PREVENTION.	744	744
	CLASS IV		
09	MM III MODIFICATIONS	54,794	54,794
10	AGM–65D MAVERICK	271	271
11	AGM–88A HARM	23,240	23,240
12	AIR LAUNCH CRUISE MISSILE (ALCM).	13,620	13,620
13	SMALL DIAMETER BOMB	5,000	5,000
	MISSILE SPARES AND REPAIR PARTS		
14	INITIAL SPARES/REPAIR PARTS.	74,373	74,373
	SPACE PROGRAMS		
15	ADVANCED EHF	557,205	557,205
17	WIDEBAND GAPFILLER SATELLITES(SPACE).	36,835	36,835
19	GPS III SPACE SEGMENT	410,294	410,294
20	ADVANCE PROCUREMENT (CY).	82,616	82,616
21	SPACEBORNE EQUIP (COMSEC).	10,554	10,554
22	GLOBAL POSITIONING (SPACE).	58,147	58,147
23	DEF METEOROLOGICAL SAT PROG(SPACE).	89,022	89,022
24	EVOLVED EXPENDABLE LAUNCH VEH(SPACE).	1,679,856	1,679,856
25	SBIR HIGH (SPACE)	454,251	454,251
	SPECIAL PROGRAMS		
30	SPECIAL UPDATE PROGRAMS.	138,904	138,904
	CLASSIFIED PROGRAMS		
030A	CLASSIFIED PROGRAMS	1,097,483	1,097,483
	TOTAL MISSILE PROCUREMENT, AIR FORCE.	**5,491,846**	**5,506,846**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
01	PASSENGER CARRYING VEHICLES.	1,905	1,905
	CARGO AND UTILITY VEHICLES		
02	MEDIUM TACTICAL VEHICLE.	18,547	18,547
03	CAP VEHICLES	932	932
04	ITEMS LESS THAN $5 MILLION.	1,699	1,699
	SPECIAL PURPOSE VEHICLES		
05	SECURITY AND TACTICAL VEHICLES.	10,850	10,850
06	ITEMS LESS THAN $5 MILLION.	9,246	9,246
	FIRE FIGHTING EQUIPMENT		
07	FIRE FIGHTING/CRASH RESCUE VEHICLES.	23,148	23,148
	MATERIALS HANDLING EQUIPMENT		
08	ITEMS LESS THAN $5 MILLION.	18,323	18,323
	BASE MAINTENANCE SUPPORT		
09	RUNWAY SNOW REMOV AND CLEANING EQU.	1,685	1,685
10	ITEMS LESS THAN $5 MILLION.	17,014	17,014
	COMM SECURITY EQUIPMENT(COMSEC)		
12	COMSEC EQUIPMENT	166,559	166,559
13	MODIFICATIONS (COMSEC).	1,133	1,133
	INTELLIGENCE PROGRAMS		
14	INTELLIGENCE TRAINING EQUIPMENT.	2,749	2,749
15	INTELLIGENCE COMM EQUIPMENT.	32,876	32,876
16	ADVANCE TECH SENSORS	877	877
17	MISSION PLANNING SYSTEMS.	15,295	15,295
	ELECTRONICS PROGRAMS		
18	AIR TRAFFIC CONTROL & LANDING SYS.	21,984	21,984
19	NATIONAL AIRSPACE SYSTEM.	30,698	30,698
20	BATTLE CONTROL SYSTEM—FIXED.	17,368	17,368
21	THEATER AIR CONTROL SYS IMPROVEMENTS.	23,483	23,483
22	WEATHER OBSERVATION FORECAST.	17,864	17,864
23	STRATEGIC COMMAND AND CONTROL.	53,995	53,995

SEC. 4101. PROCUREMENT
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Line	Item	FY 2013 Request	House Authorized
24	CHEYENNE MOUNTAIN COMPLEX.	14,578	14,578
25	TAC SIGINT SPT	208	208
	SPCL COMM-ELEC-TRONICS PROJECTS		
27	GENERAL INFORMATION TECHNOLOGY.	69,743	69,743
28	AF GLOBAL COMMAND & CONTROL SYS.	15,829	15,829
29	MOBILITY COMMAND AND CONTROL.	11,023	11,023
30	AIR FORCE PHYSICAL SE-CURITY SYSTEM.	64,521	64,521
31	COMBAT TRAINING RANGES.	18,217	18,217
32	C3 COUNTERMEASURES	11,899	11,899
33	GCSS-AF FOS	13,920	13,920
34	THEATER BATTLE MGT C2 SYSTEM.	9,365	9,365
35	AIR & SPACE OPER-ATIONS CTR-WPN SYS.	33,907	33,907
	AIR FORCE COMMUNICA-TIONS		
36	INFORMATION TRANSPORT SYSTEMS.	52,464	52,464
38	AFNET	125,788	125,788
39	VOICE SYSTEMS	16,811	16,811
40	USCENTCOM	32,138	32,138
	DISA PROGRAMS		
41	SPACE BASED IR SENSOR PGM SPACE.	47,135	47,135
42	NAVSTAR GPS SPACE	2,031	2,031
43	NUDET DETECTION SYS SPACE.	5,564	5,564
44	AF SATELLITE CONTROL NETWORK SPACE.	44,219	44,219
45	SPACELIFT RANGE SYS-TEM SPACE.	109,545	109,545
46	MILSATCOM SPACE	47,592	47,592
47	SPACE MODS SPACE	47,121	47,121
48	COUNTERSPACE SYSTEM	20,961	20,961
	ORGANIZATION AND BASE		
49	TACTICAL C-E EQUIP-MENT.	126,131	126,131
50	COMBAT SURVIVOR EVADER LOCATER.	23,707	23,707
51	RADIO EQUIPMENT	12,757	12,757
52	CCTV/AUDIOVISUAL EQUIPMENT.	10,716	10,716
53	BASE COMM INFRA-STRUCTURE.	74,528	74,528
	MODIFICATIONS		
54	COMM ELECT MODS	43,507	43,507
	PERSONAL SAFETY & RESCUE EQUIP		
55	NIGHT VISION GOGGLES	22,693	22,693
56	ITEMS LESS THAN $5 MILLION.	30,887	30,887
	DEPOT PLANT+MTRLS HANDLING EQ		
57	MECHANIZED MATERIAL HANDLING EQUIP.	2,850	2,850
	BASE SUPPORT EQUIP-MENT		
58	BASE PROCURED EQUIP-MENT.	8,387	8,387
59	CONTINGENCY OPER-ATIONS.	10,358	10,358
60	PRODUCTIVITY CAPITAL INVESTMENT.	3,473	3,473
62	MOBILITY EQUIPMENT	14,471	14,471
63	ITEMS LESS THAN $5 MILLION.	1,894	1,894
	SPECIAL SUPPORT PROJECTS		
65	DARP RC135	24,176	24,176
66	DCGS-AF	142,928	142,928
68	SPECIAL UPDATE PRO-GRAM.	479,446	479,446
69	DEFENSE SPACE RECON-NAISSANCE PROG..	39,155	39,155
	CLASSIFIED PROGRAMS		
069A	CLASSIFIED PROGRAMS	14,331,312	14,331,312
	SPARES AND REPAIR PARTS		
71	SPARES AND REPAIR PARTS.	14,663	14,663
	TOTAL OTHER PROCURE-MENT, AIR FORCE.	**16,720,848**	**16,720,848**
	PROCUREMENT, DE-FENSE-WIDE		
	MAJOR EQUIPMENT, OSD		
42	MAJOR EQUIPMENT, OSD	45,938	45,938
43	MAJOR EQUIPMENT, IN-TELLIGENCE.	17,582	17,582
	MAJOR EQUIPMENT, NSA		
41	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP).	6,770	6,770
	MAJOR EQUIPMENT, WHS		
45	MAJOR EQUIPMENT, WHS	26,550	26,550
	MAJOR EQUIPMENT, DISA		
12	INFORMATION SYSTEMS SECURITY.	12,708	12,708
14	GLOBAL COMBAT SUP-PORT SYSTEM.	3,002	3,002
15	TELEPORT PROGRAM	46,992	46,992
16	ITEMS LESS THAN $5 MILLION.	108,462	108,462
17	NET CENTRIC ENTER-PRISE SERVICES (NCES).	2,865	2,865
18	DEFENSE INFORMATION SYSTEM NETWORK.	116,906	116,906
19	PUBLIC KEY INFRA-STRUCTURE.	1,827	1,827
21	CYBER SECURITY INITIA-TIVE.	10,319	10,319
	MAJOR EQUIPMENT, DLA		
22	MAJOR EQUIPMENT	9,575	9,575
	MAJOR EQUIPMENT, DSS		
26	MAJOR EQUIPMENT	2,522	2,522
	MAJOR EQUIPMENT, DCAA		
02	ITEMS LESS THAN $5 MILLION.	1,486	1,486
	MAJOR EQUIPMENT, TJS		
44	MAJOR EQUIPMENT, TJS	21,878	21,878
	MAJOR EQUIPMENT, MIS-SILE DEFENSE AGEN-CY		
30	THAAD	460,728	587,728
	Procure 12 addi-tional intercep-tors.		[127,000]
31	AEGIS BMD	389,626	389,626
32	BMDS AN/TPY–2 RADARS	217,244	387,244
	Procure additional AN/TPY–2 radar.		[170,000]
33	RADAR SPARES	10,177	10,177
	MAJOR EQUIPMENT, DHRA		
05	PERSONNEL ADMINISTRA-TION.	6,147	6,147
	MAJOR EQUIPMENT, DE-FENSE THREAT RE-DUCTION AGENCY		
27	VEHICLES	50	50
28	OTHER MAJOR EQUIP-MENT.	13,096	13,096
	MAJOR EQUIPMENT, DODEA		
24	AUTOMATION/EDU-CATIONAL SUPPORT & LOGISTICS.	1,458	1,458
	MAJOR EQUIPMENT, DCMA		
03	MAJOR EQUIPMENT	2,129	2,129
	MAJOR EQUIPMENT, DMACT		
23	MAJOR EQUIPMENT	15,179	15,179
	CLASSIFIED PROGRAMS		
045A	CLASSIFIED PROGRAMS	555,787	555,787
	AVIATION PROGRAMS		
46	ROTARY WING UPGRADES AND SUSTAINMENT.	74,832	74,832
48	MH–60 MODERNIZATION PROGRAM.	126,780	126,780
49	NON-STANDARD AVIATION	99,776	36,976
	Transfer to Line 051—Mission Shift.		[–62,800]
51	U–28	7,530	116,930
	Program increase		[46,600]
	Transfer from Line 049—Mission Shift.		[62,800]
52	MH–47 CHINOOK	134,785	134,785
53	RQ–11 UNMANNED AER-IAL VEHICLE.	2,062	2,062
54	CV–22 MODIFICATION	139,147	139,147
55	MQ–1 UNMANNED AERIAL VEHICLE.	3,963	26,963
	Program increase		[23,000]
56	MQ–9 UNMANNED AERIAL VEHICLE.	3,952	39,352
	Program increase		[35,400]
58	STUASL0	12,945	12,945
59	PRECISION STRIKE PACK-AGE.	73,013	73,013
60	AC/MC–130J	51,484	51,484
62	C–130 MODIFICATIONS	25,248	25,248
63	AIRCRAFT SUPPORT	5,314	5,314
	SHIPBUILDING		
64	UNDERWATER SYSTEMS	23,037	23,037
	AMMUNITION PROGRAMS		
66	ORDNANCE REPLENISH-MENT.	113,183	113,183
67	ORDNANCE ACQUISITION	36,981	36,981
	OTHER PROCUREMENT PROGRAMS		
68	COMMUNICATIONS EQUIP-MENT AND ELEC-TRONICS.	99,838	103,738
	Program increase		[3,900]
69	INTELLIGENCE SYSTEMS	71,428	71,428
70	SMALL ARMS AND WEAP-ONS.	27,108	27,108
71	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	12,767	12,767
74	COMBATANT CRAFT SYS-TEMS.	42,348	42,348
75	SPARES AND REPAIR PARTS.	600	600
77	TACTICAL VEHICLES	37,421	37,421
78	MISSION TRAINING AND PREPARATION SYS-TEMS.	36,949	41,949
	Program increase		[5,000]
79	COMBAT MISSION RE-QUIREMENTS.	20,255	20,255
80	MILCON COLLATERAL EQUIPMENT.	17,590	17,590
82	AUTOMATION SYSTEMS	66,573	66,573
83	GLOBAL VIDEO SURVEIL-LANCE ACTIVITIES.	6,549	6,549
84	OPERATIONAL ENHANCE-MENTS INTELLIGENCE.	32,335	32,335
85	SOLDIER PROTECTION AND SURVIVAL SYS-TEMS.	15,153	15,153
86	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS.	33,920	33,920
87	TACTICAL RADIO SYS-TEMS.	75,132	75,132
90	MISCELLANEOUS EQUIP-MENT.	6,667	6,667
91	OPERATIONAL ENHANCE-MENTS.	217,972	243,272
	Program increase		[25,300]
92	MILITARY INFORMATION SUPPORT OPERATIONS.	27,417	27,417
	CBDP		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
93	INSTALLATION FORCE PROTECTION.	24,025	24,025
94	INDIVIDUAL PROTECTION	73,720	73,720
95	DECONTAMINATION	506	506
96	JOINT BIO DEFENSE PROGRAM (MEDICAL).	32,597	32,597
97	COLLECTIVE PROTECTION	3,144	3,144
98	CONTAMINATION AVOIDANCE.	164,886	164,886
	TOTAL PROCUREMENT, DEFENSE-WIDE.	**4,187,935**	**4,624,135**
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
01	JOINT URGENT OPERATIONAL NEEDS FUND.	99,477	0
	Program reduction		[–99,477]
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND.	**99,477**	**0**
	TOTAL PROCUREMENT.	**97,432,379**	**99,121,919**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	AIRCRAFT PROCUREMENT, ARMY	**ROTARY**	
9	AH–64 APACHE BLOCK IIIB NEW BUILD.	71,000	71,000
12	KIOWA WARRIOR (OH–58F) WRA.	183,900	183,900
15	CH–47 HELICOPTER	231,300	231,300
	TOTAL AIRCRAFT PROCUREMENT, ARMY.	**486,200**	**486,200**
	MISSILE PROCUREMENT, ARMY		
	AIR-TO-SURFACE MISSILE SYSTEM		
4	HELLFIRE SYS SUMMARY	29,100	29,100
	ANTI-TANK/ASSAULT MISSILE SYS		
8	GUIDED MLRS ROCKET (GMLRS).	20,553	20,553
	TOTAL MISSILE PROCUREMENT, ARMY.	**49,653**	**49,653**
	PROCUREMENT OF W&TCV, ARMY		
	MOD OF WEAPONS AND OTHER COMBAT VEH		
36	M16 RIFLE MODS	15,422	15,422
	TOTAL PROCUREMENT OF W&TCV, ARMY.	**15,422**	**15,422**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
3	CTG, HANDGUN, ALL TYPES.	1,500	1,500
4	CTG, .50 CAL, ALL TYPES	10,000	10,000
7	CTG, 30MM, ALL TYPES ..	80,000	61,000
	Pricing adjustments for target practice round and light-weight dual purpose round.		[–19,000]
	MORTAR AMMUNITION		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
9	60MM MORTAR, ALL TYPES.	14,000	14,000
10	81MM MORTAR, ALL TYPES.	6,000	6,000
11	120MM MORTAR, ALL TYPES.	56,000	56,000
	ARTILLERY AMMUNITION		
13	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP.	29,956	29,956
14	ARTILLERY PROJECTILE, 155MM, ALL TYPES.	37,044	37,044
15	PROJ 155MM EXTENDED RANGE XM982.	12,300	12,300
16	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL.	17,000	17,000
	MINES		
17	MINES & CLEARING CHARGES, ALL TYPES.	12,000	12,000
	ROCKETS		
20	ROCKET, HYDRA 70, ALL TYPES.	63,635	63,635
	OTHER AMMUNITION		
23	SIGNALS, ALL TYPES	16,858	16,858
	MISCELLANEOUS		
28	ITEMS LESS THAN $5 MILLION.	1,200	1,200
	TOTAL PROCUREMENT OF AMMUNITION, ARMY.	**357,493**	**338,493**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
2	FAMILY OF MEDIUM TACTICAL VEH (FMTV).	28,247	28,247
4	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV).	2,050	2,050
11	HMMWV RECAPITALIZATION PROGRAM.	271,000	271,000
14	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS.	927,400	927,400
	COMM—INTELLIGENCE COMM		
52	RESERVE CA/MISO GPF EQUIPMENT.	8,000	8,000
	COMM—BASE COMMUNICATIONS		
61	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(.	25,000	25,000
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
69	DCGS–A (MIP)	90,355	90,355
73	CI HUMINT AUTO REPRINTING AND COLLECTION.	6,516	6,516
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
75	LIGHTWEIGHT COUNTER MORTAR RADAR.	27,646	27,646
77	FMLY OF PERSISTENT SURVEILLANCE CAPABILITIES.	52,000	52,000
78	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES.	205,209	205,209
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
92	MOD OF IN-SVC EQUIP (FIREFINDER RADARS).	14,600	14,600
99	COUNTERFIRE RADARS ...	54,585	54,585
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
102	FIRE SUPPORT C2 FAMILY	22,430	22,430
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM.	2,400	2,400

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
112	MANEUVER CONTROL SYSTEM (MCS).	6,400	6,400
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE).	5,160	5,160
	CHEMICAL DEFENSIVE EQUIPMENT		
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE).	15,000	15,000
127	BASE DEFENSE SYSTEMS (BDS).	66,100	66,100
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT).	3,565	3,565
	COMBAT SERVICE SUPPORT EQUIPMENT		
143	FORCE PROVIDER	39,700	39,700
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM.	650	650
	PETROLEUM EQUIPMENT		
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER.	2,119	2,119
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS.	428	428
153	ITEMS LESS THAN $5 MILLION (MAINT EQ).	30	30
	TRAINING EQUIPMENT		
175	COMBAT TRAINING CENTERS SUPPORT.	7,000	7,000
176	TRAINING DEVICES, NONSYSTEM.	27,250	27,250
178	AVIATION COMBINED ARMS TACTICAL TRAINER.	1,000	1,000
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING.	5,900	5,900
	OTHER SUPPORT EQUIPMENT		
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT.	98,167	60,167
	Rapid equipping force delayed execution rates.		[–38,000]
	TOTAL OTHER PROCUREMENT, ARMY.	**2,015,907**	**1,977,907**
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	NETWORK ATTACK		
1	ATTACK THE NETWORK	950,500	950,500
	JIEDDO DEVICE DEFEAT		
2	DEFEAT THE DEVICE	400,000	400,000
	FORCE TRAINING		
3	TRAIN THE FORCE	149,500	149,500
	STAFF AND INFRASTRUCTURE		
4	OPERATIONS	175,400	402,800
	Transfer from title 1.		[227,400]
	TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND.	**1,675,400**	**1,902,800**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
11	H–1 UPGRADES (UH–1Y/AH–1Z).	29,800	29,800
	MODIFICATION OF AIRCRAFT		
30	AV–8 SERIES	42,238	42,238
32	F–18 SERIES	41,243	41,243
35	H–53 SERIES	15,870	15,870
38	EP–3 SERIES	13,030	13,030

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
43	C–130 SERIES	16,737	16,737
48	SPECIAL PROJECT AIRCRAFT.	2,714	2,714
54	COMMON AVIONICS CHANGES.	570	570
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
62	COMMON GROUND EQUIPMENT.	2,380	2,380
	TOTAL AIRCRAFT PROCUREMENT, NAVY.	**164,582**	**164,582**
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
9	HELLFIRE	17,000	17,000
10	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM).	6,500	6,500
	TOTAL WEAPONS PROCUREMENT, NAVY.	**23,500**	**23,500**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
1	GENERAL PURPOSE BOMBS.	18,000	18,000
2	AIRBORNE ROCKETS, ALL TYPES.	80,200	80,200
3	MACHINE GUN AMMUNITION.	21,500	21,500
6	AIR EXPENDABLE COUNTERMEASURES.	20,303	20,303
11	OTHER SHIP GUN AMMUNITION.	532	532
12	SMALL ARMS & LANDING PARTY AMMO.	2,643	2,643
13	PYROTECHNIC AND DEMOLITION.	2,322	2,322
14	AMMUNITION LESS THAN $5 MILLION.	6,308	6,308
	MARINE CORPS AMMUNITION		
15	SMALL ARMS AMMUNITION.	10,948	10,948
16	LINEAR CHARGES, ALL TYPES.	9,940	9,940
17	40 MM, ALL TYPES	5,963	5,963
20	120MM, ALL TYPES	11,605	11,605
21	CTG 25MM, ALL TYPES	2,831	2,831
22	GRENADES, ALL TYPES	2,359	2,359
23	ROCKETS, ALL TYPES	3,051	3,051
24	ARTILLERY, ALL TYPES	54,886	54,886
25	DEMOLITION MUNITIONS, ALL TYPES.	1,391	1,391
26	FUZE, ALL TYPES	30,945	30,945
27	NON LETHALS	8	8
29	ITEMS LESS THAN $5 MILLION.	12	12
	TOTAL PROCUREMENT OF AMMO, NAVY & MC.	**285,747**	**285,747**
	OTHER PROCUREMENT, NAVY		
	OTHER SHORE ELECTRONIC EQUIPMENT		
70	TACTICAL/MOBILE C4I SYSTEMS.	3,603	3,603
	AIRCRAFT SUPPORT EQUIPMENT		
97	EXPEDITIONARY AIRFIELDS.	58,200	58,200
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
127	PASSENGER CARRYING VEHICLES.	3,901	3,901
128	GENERAL PURPOSE TRUCKS.	852	852
129	CONSTRUCTION & MAINTENANCE EQUIP.	2,436	2,436
130	FIRE FIGHTING EQUIPMENT.	3,798	3,798
131	TACTICAL VEHICLES	13,394	13,394
134	ITEMS UNDER $5 MILLION.	375	375
	COMMAND SUPPORT EQUIPMENT		
149	C4ISR EQUIPMENT	3,000	3,000
151	PHYSICAL SECURITY EQUIPMENT.	9,323	9,323
	TOTAL OTHER PROCUREMENT, NAVY.	**98,882**	**98,882**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
2	LAV PIP	10,000	10,000
	ARTILLERY AND OTHER WEAPONS		
5	HIGH MOBILITY ARTILLERY ROCKET SYSTEM.	108,860	108,860
	GUIDED MISSILES		
10	JAVELIN	29,158	29,158
	OTHER SUPPORT		
13	MODIFICATION KITS	41,602	41,602
	REPAIR AND TEST EQUIPMENT		
15	REPAIR AND TEST EQUIPMENT.	13,632	13,632
	OTHER SUPPORT (TEL)		
17	MODIFICATION KITS	2,831	2,831
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
19	AIR OPERATIONS C2 SYSTEMS.	15,575	15,575
	RADAR + EQUIPMENT (NON-TEL)		
20	RADAR SYSTEMS	8,015	8,015
	INTELL/COMM EQUIPMENT (NON-TEL)		
23	INTELLIGENCE SUPPORT EQUIPMENT.	35,310	35,310
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
29	NIGHT VISION EQUIPMENT	652	652
	OTHER SUPPORT (NON-TEL)		
30	COMMON COMPUTER RESOURCES.	19,807	19,807
32	RADIO SYSTEMS	36,482	36,482
33	COMM SWITCHING & CONTROL SYSTEMS.	41,295	41,295
	TACTICAL VEHICLES		
39	MEDIUM TACTICAL VEHICLE REPLACEMENT.	10,466	10,466
41	FAMILY OF TACTICAL TRAILERS.	7,642	7,642
	ENGINEER AND OTHER EQUIPMENT		
45	BULK LIQUID EQUIPMENT	18,239	18,239
46	TACTICAL FUEL SYSTEMS	51,359	51,359
47	POWER EQUIPMENT ASSORTED.	20,247	20,247
49	EOD SYSTEMS	362,658	362,658
	MATERIALS HANDLING EQUIPMENT		
50	PHYSICAL SECURITY EQUIPMENT.	55,500	55,500
52	MATERIAL HANDLING EQUIP.	19,100	19,100
	GENERAL PROPERTY		
54	FIELD MEDICAL EQUIPMENT.	15,751	15,751
55	TRAINING DEVICES	3,602	3,602
57	FAMILY OF CONSTRUCTION EQUIPMENT.	15,900	15,900
	TOTAL PROCUREMENT, MARINE CORPS.	**943,683**	**943,683**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	STRATEGIC AIRCRAFT		
35	LARGE AIRCRAFT INFRARED COUNTERMEASURES.	139,800	139,800
	OTHER AIRCRAFT		
55	U–2 MODS	46,800	46,800
63	C–130	11,400	11,400
67	COMPASS CALL MODS	14,000	14,000
68	RC–135	8,000	8,000
75	HC/MC–130 MODIFICATIONS.	4,700	4,700
	AIRCRAFT SPARES AND REPAIR PARTS		
81	INITIAL SPARES/REPAIR PARTS.	21,900	21,900
	OTHER PRODUCTION CHARGES		
99	OTHER PRODUCTION CHARGES.	59,000	59,000
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE.	**305,600**	**305,600**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	CARTRIDGES		
2	CARTRIDGES	13,592	13,592
	BOMBS		
4	GENERAL PURPOSE BOMBS.	23,211	23,211
5	JOINT DIRECT ATTACK MUNITION.	53,923	53,923
	FLARE, IR MJU–7B		
6	CAD/PAD	2,638	2,638
10	ITEMS LESS THAN $5 MILLION.	2,600	2,600
	FUZES		
11	FLARES	11,726	11,726
12	FUZES	8,513	8,513
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.	**116,203**	**116,203**
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
5	PREDATOR HELLFIRE MISSILE.	34,350	34,350
	TOTAL MISSILE PROCUREMENT, AIR FORCE.	**34,350**	**34,350**
	OTHER PROCUREMENT, AIR FORCE		
	CARGO AND UTILITY VEHICLES		
2	MEDIUM TACTICAL VEHICLE.	2,010	2,010
4	ITEMS LESS THAN $5 MILLION.	2,675	2,675
	SPECIAL PURPOSE VEHICLES		
6	ITEMS LESS THAN $5 MILLION.	2,557	2,557
	MATERIALS HANDLING EQUIPMENT		
8	ITEMS LESS THAN $5 MILLION.	4,329	4,329
	BASE MAINTENANCE SUPPORT		
9	RUNWAY SNOW REMOV AND CLEANING EQU.	984	984
10	ITEMS LESS THAN $5 MILLION.	9,120	9,120
	ELECTRONICS PROGRAMS		
22	WEATHER OBSERVATION FORECAST.	5,600	5,600

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	SPCL COMM-ELEC-TRONICS PROJECTS		
27	GENERAL INFORMATION TECHNOLOGY.	11,157	11,157
	ORGANIZATION AND BASE		
49	TACTICAL C-E EQUIP-MENT.	7,000	7,000
53	BASE COMM INFRA-STRUCTURE.	10,654	10,654
	MODIFICATIONS		
54	COMM ELECT MODS	8,000	8,000
	PERSONAL SAFETY & RESCUE EQUIP		
55	NIGHT VISION GOGGLES ..	902	902
	BASE SUPPORT EQUIP-MENT		
59	CONTINGENCY OPER-ATIONS.	60,090	60,090
62	MOBILITY EQUIPMENT	9,400	9,400
63	ITEMS LESS THAN $5 MILLION.	9,175	9,175
	CLASSIFIED PROGRAMS		
069A	CLASSIFIED PROGRAMS ..	2,672,317	2,672,317
	SPARES AND REPAIR PARTS		
71	SPARES AND REPAIR PARTS.	2,300	2,300
	TOTAL OTHER PROCURE-MENT, AIR FORCE.	**2,818,270**	**2,818,270**
	PROCUREMENT, DE-FENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
15	TELEPORT PROGRAM	5,260	5,260
	CLASSIFIED PROGRAMS		
045A	CLASSIFIED PROGRAMS ..	126,201	126,201
	AVIATION PROGRAMS		
61	MQ–8 UAV	16,500	16,500
	OTHER PROCUREMENT PROGRAMS		
68	COMMUNICATIONS EQUIP-MENT AND ELEC-TRONICS.	151	151
69	INTELLIGENCE SYSTEMS	30,528	30,528
77	TACTICAL VEHICLES	1,843	1,843
82	AUTOMATION SYSTEMS ...	1,000	1,000
86	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS.	108	108
91	OPERATIONAL ENHANCE-MENTS.	14,758	14,758
	TOTAL PROCURE-MENT, DE-FENSE-WIDE.	**196,349**	**196,349**
	JOINT URGENT OPER-ATIONAL NEEDS FUND		
	JOINT URGENT OPER-ATIONAL NEEDS FUND		
1	JOINT URGENT OPER-ATIONAL NEEDS FUND.	100,000	50,000
	Program reduction		[–50,000]
	TOTAL JOINT UR-GENT OPER-ATIONAL NEEDS FUND.	**100,000**	**50,000**
	NATIONAL GUARD & RE-SERVE EQUIPMENT		
	UNDISTRIBUTED		
999	MISCELLANEOUS EQUIP-MENT.		500,000
	Program increase ...		[500,000]
	TOTAL NATIONAL GUARD & RE-SERVE EQUIP-MENT.		**500,000**
	TOTAL PROCURE-MENT.	**9,687,241**	**10,307,641**

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 2013 Request	House Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH		
1	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	20,860	20,860
2	0601102A	DEFENSE RESEARCH SCIENCES	219,180	219,180
3	0601103A	UNIVERSITY RESEARCH INITIATIVES	80,986	80,986
4	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	123,045	123,045
		SUBTOTAL BASIC RESEARCH	**444,071**	**444,071**
		APPLIED RESEARCH		
5	0602105A	MATERIALS TECHNOLOGY	29,041	39,291
		Advanced coating technologies for corrosion mitigation		[10,250]
6	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	45,260	45,260
7	0602122A	TRACTOR HIP	22,439	22,439
8	0602211A	AVIATION TECHNOLOGY	51,607	51,607
9	0602270A	ELECTRONIC WARFARE TECHNOLOGY	15,068	15,068
10	0602303A	MISSILE TECHNOLOGY	49,383	49,383
11	0602307A	ADVANCED WEAPONS TECHNOLOGY	25,999	25,999
12	0602308A	ADVANCED CONCEPTS AND SIMULATION	23,507	23,507
13	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	69,062	69,062
14	0602618A	BALLISTICS TECHNOLOGY	60,823	60,823
15	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	4,465	4,465
16	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	7,169	7,169
17	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	35,218	35,218
18	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	60,300	60,300
19	0602709A	NIGHT VISION TECHNOLOGY	53,244	53,244
20	0602712A	COUNTERMINE SYSTEMS	18,850	18,850
21	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	19,872	19,872
22	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	20,095	20,095
23	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	28,852	28,852
24	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	9,830	9,830
25	0602784A	MILITARY ENGINEERING TECHNOLOGY	70,693	70,693
26	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	17,781	17,781
27	0602786A	WARFIGHTER TECHNOLOGY	28,281	28,281
28	0602787A	MEDICAL TECHNOLOGY	107,891	107,891
		SUBTOTAL APPLIED RESEARCH	**874,730**	**884,980**
		ADVANCED TECHNOLOGY DEVELOPMENT		
29	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	39,359	39,359
30	0603002A	MEDICAL ADVANCED TECHNOLOGY	69,580	69,580
31	0603003A	AVIATION ADVANCED TECHNOLOGY	64,215	64,215
32	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	67,613	67,613
33	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	104,359	104,359
34	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	4,157	4,157
35	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	9,856	9,856
36	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	50,661	50,661
37	0603009A	TRACTOR HIKE	9,126	9,126
38	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	17,257	17,257

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized
39	0603020A	TRACTOR ROSE	9,925	9,925
40	0603105A	MILITARY HIV RESEARCH	6,984	6,984
41	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT	9,716	9,716
42	0603130A	TRACTOR NAIL	3,487	3,487
43	0603131A	TRACTOR EGGS	2,323	2,323
44	0603270A	ELECTRONIC WARFARE TECHNOLOGY	21,683	21,683
45	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	71,111	71,111
46	0603322A	TRACTOR CAGE	10,902	10,902
47	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	180,582	180,582
48	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	27,204	27,204
49	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	6,095	6,095
50	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	37,217	37,217
51	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	13,626	13,626
52	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	28,458	28,458
53	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	25,226	25,226
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**890,722**	**890,722**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
54	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	14,505	14,505
55	0603308A	ARMY SPACE SYSTEMS INTEGRATION	9,876	9,876
56	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	5,054	5,054
57	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS—ADV DEV	2,725	2,725
58	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	30,560	30,560
59	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	14,347	14,347
60	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	10,073	10,073
61	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	8,660	8,660
62	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	10,715	10,715
63	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	4,631	4,631
64	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL—DEM/VAL	278,018	278,018
65	0603790A	NATO RESEARCH AND DEVELOPMENT	4,961	4,961
66	0603801A	AVIATION—ADV DEV	8,602	8,602
67	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	14,605	14,605
68	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS	5,054	5,054
69	0603807A	MEDICAL SYSTEMS—ADV DEV	24,384	24,384
70	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	32,050	32,050
71	0603850A	INTEGRATED BROADCAST SERVICE	96	96
72	0604115A	TECHNOLOGY MATURATION INITIATIVES	24,868	24,868
73	0604131A	TRACTOR JUTE	59	59
75	0604319A	INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2–INTERCEPT (IFPC2)	76,039	76,039
77	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4)	4,043	4,043
78	0305205A	ENDURANCE UAVS	26,196	26,196
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**610,121**	**610,121**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
79	0604201A	AIRCRAFT AVIONICS	78,538	78,538
80	0604220A	ARMED, DEPLOYABLE HELOS	90,494	90,494
81	0604270A	ELECTRONIC WARFARE DEVELOPMENT	181,347	176,347
		Program adjustment		[–5,000]
83	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	12,636	12,636
84	0604321A	ALL SOURCE ANALYSIS SYSTEM	5,694	5,694
85	0604328A	TRACTOR CAGE	32,095	32,095
86	0604601A	INFANTRY SUPPORT WEAPONS	96,478	93,078
		XM25 funding ahead of need		[–3,400]
87	0604604A	MEDIUM TACTICAL VEHICLES	3,006	3,006
89	0604611A	JAVELIN	5,040	5,040
90	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	3,077	3,077
91	0604633A	AIR TRAFFIC CONTROL	9,769	9,769
92	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	13,141	13,141
99	0604710A	NIGHT VISION SYSTEMS—ENG DEV	32,621	32,621
100	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,132	2,132
101	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	44,787	44,787
102	0604716A	TERRAIN INFORMATION—ENG DEV	1,008	1,008
103	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV	73,333	73,333
104	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	28,937	28,937
105	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	10,815	10,815
106	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV	13,926	13,926
107	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	17,797	17,797
108	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	214,270	214,270
109	0604802A	WEAPONS AND MUNITIONS—ENG DEV	14,581	14,581
110	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	43,706	43,706
111	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV	20,776	20,776
112	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV	43,395	43,395
113	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	104,983	104,983
114	0604814A	ARTILLERY MUNITIONS—EMD	4,346	4,346
116	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	77,223	77,223
117	0604820A	RADAR DEVELOPMENT	3,486	3,486
118	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	9,963	9,963
119	0604823A	FIREFINDER	20,517	20,517
120	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	51,851	51,851
121	0604854A	ARTILLERY SYSTEMS—EMD	167,797	167,797
122	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP)	400,861	0
		Prohibition of funds for MEADS		[–400,861]
123	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	7,922	7,922

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(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized
124	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	51,463	51,463
125	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A)	158,646	158,646
126	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	10,000	10,000
128	0605456A	PAC–3/MSE MISSILE	69,029	69,029
129	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	277,374	277,374
130	0605625A	MANNED GROUND VEHICLE	639,874	639,874
131	0605626A	AERIAL COMMON SENSOR	47,426	47,426
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH	72,295	72,295
133	0303032A	TROJAN—RH12	4,232	4,232
134	0304270A	ELECTRONIC WARFARE DEVELOPMENT	13,942	13,942
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**3,286,629**	**2,877,368**
		RDT&E MANAGEMENT SUPPORT		
135	0604256A	THREAT SIMULATOR DEVELOPMENT	18,090	18,090
136	0604258A	TARGET SYSTEMS DEVELOPMENT	14,034	14,034
137	0604759A	MAJOR T&E INVESTMENT	37,394	37,394
138	0605103A	RAND ARROYO CENTER	21,026	21,026
139	0605301A	ARMY KWAJALEIN ATOLL	176,816	176,816
140	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	27,902	27,902
142	0605601A	ARMY TEST RANGES AND FACILITIES	369,900	369,900
143	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	69,183	69,183
144	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	44,753	44,753
146	0605606A	AIRCRAFT CERTIFICATION	5,762	5,762
147	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	7,402	7,402
148	0605706A	MATERIEL SYSTEMS ANALYSIS	19,954	19,954
149	0605709A	EXPLOITATION OF FOREIGN ITEMS	5,535	5,535
150	0605712A	SUPPORT OF OPERATIONAL TESTING	67,789	67,789
151	0605716A	ARMY EVALUATION CENTER	62,765	62,765
152	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	1,545	1,545
153	0605801A	PROGRAMWIDE ACTIVITIES	83,422	83,422
154	0605803A	TECHNICAL INFORMATION ACTIVITIES	50,820	50,820
155	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	46,763	46,763
156	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	4,601	4,601
157	0605898A	MANAGEMENT HQ—R&D	18,524	18,524
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**1,153,980**	**1,153,980**
		OPERATIONAL SYSTEMS DEVELOPMENT		
159	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	143,005	143,005
161	0607865A	PATRIOT PRODUCT IMPROVEMENT	109,978	109,978
162	0102419A	AEROSTAT JOINT PROJECT OFFICE	190,422	171,422
		Program adjustment		[–19,000]
164	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	32,556	32,556
165	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	253,959	253,959
166	0203740A	MANEUVER CONTROL SYSTEM	68,325	68,325
167	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	280,247	226,147
		Ahead of need		[–54,100]
168	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	898	898
169	0203758A	DIGITIZATION	35,180	35,180
171	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	20,733	20,733
172	0203808A	TRACTOR CARD	63,243	63,243
173	0208053A	JOINT TACTICAL GROUND SYSTEM	31,738	31,738
174	0208058A	JOINT HIGH SPEED VESSEL (JHSV)	35	35
176	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	7,591	7,591
177	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	15,961	15,961
178	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	120,927	120,927
179	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	15,756	15,756
180	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	14,443	14,443
182	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	31,303	31,303
183	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	40,876	40,876
184	0305219A	MQ–1 SKY WARRIOR A UAV	74,618	74,618
185	0305232A	RQ–11 UAV	4,039	4,039
186	0305233A	RQ–7 UAV	31,158	31,158
187	0305235A	VERTICAL UAS	2,387	2,387
188	0307665A	BIOMETRICS ENABLED INTELLIGENCE	15,248	15,248
189	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	59,908	59,908
189A	9999999999	CLASSIFIED PROGRAMS	4,628	4,628
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**1,669,162**	**1,596,062**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**8,929,415**	**8,457,304**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
1	0601103N	UNIVERSITY RESEARCH INITIATIVES	113,690	123,690
		Increase Defense University Research Instrumentation Program		[10,000]
2	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,261	18,261
3	0601153N	DEFENSE RESEARCH SCIENCES	473,070	473,070
003A	0601XXXN	SCIENCE AND TECHNOLOGY		3,450
		Transfer from PE 0205658N		[3,450]
		SUBTOTAL BASIC RESEARCH	**605,021**	**618,471**
		APPLIED RESEARCH		
4	0602114N	POWER PROJECTION APPLIED RESEARCH	89,189	89,189
5	0602123N	FORCE PROTECTION APPLIED RESEARCH	143,301	143,301

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Line	Program Element	Item	FY 2013 Request	House Authorized
6	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	46,528	46,528
7	0602235N	COMMON PICTURE APPLIED RESEARCH	41,696	41,696
8	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	44,127	44,127
9	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	78,228	78,228
10	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	49,635	49,635
11	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	5,973	5,973
12	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	96,814	96,814
13	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	162,417	162,417
14	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	32,394	32,394
		SUBTOTAL APPLIED RESEARCH	**790,302**	**790,302**
		ADVANCED TECHNOLOGY DEVELOPMENT		
15	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	56,543	56,543
16	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	18,616	18,616
19	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	54,858	54,858
20	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	130,598	130,598
21	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	11,706	11,706
22	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT	256,382	256,382
23	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	3,880	3,880
25	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	51,819	51,819
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**584,402**	**584,402**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
28	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	34,085	34,085
29	0603216N	AVIATION SURVIVABILITY	8,783	8,783
30	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	3,773	3,773
31	0603251N	AIRCRAFT SYSTEMS	24,512	24,512
32	0603254N	ASW SYSTEMS DEVELOPMENT	8,090	8,090
33	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	5,301	5,301
34	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,506	1,506
35	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	190,622	190,622
36	0603506N	SURFACE SHIP TORPEDO DEFENSE	93,346	93,346
37	0603512N	CARRIER SYSTEMS DEVELOPMENT	108,871	108,871
39	0603525N	PILOT FISH	101,169	101,169
40	0603527N	RETRACT LARCH	74,312	74,312
41	0603536N	RETRACT JUNIPER	90,730	90,730
42	0603542N	RADIOLOGICAL CONTROL	777	777
43	0603553N	SURFACE ASW	6,704	6,704
44	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	555,123	929,523
		Program increase		[374,400]
45	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	9,368	9,368
46	0603563N	SHIP CONCEPT ADVANCED DESIGN	24,609	24,609
47	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	13,710	13,710
48	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	249,748	249,748
49	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	29,897	29,897
50	0603576N	CHALK EAGLE	509,988	509,988
51	0603581N	LITTORAL COMBAT SHIP (LCS)	429,420	429,420
52	0603582N	COMBAT SYSTEM INTEGRATION	56,551	56,551
53	0603609N	CONVENTIONAL MUNITIONS	7,342	7,342
54	0603611M	MARINE CORPS ASSAULT VEHICLES	95,182	95,182
55	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	10,496	10,496
56	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	52,331	52,331
57	0603658N	COOPERATIVE ENGAGEMENT	56,512	56,512
58	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	7,029	7,029
59	0603721N	ENVIRONMENTAL PROTECTION	21,080	21,080
60	0603724N	NAVY ENERGY PROGRAM	55,324	55,324
61	0603725N	FACILITIES IMPROVEMENT	3,401	3,401
62	0603734N	CHALK CORAL	45,966	45,966
63	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,811	3,811
64	0603746N	RETRACT MAPLE	341,305	341,305
65	0603748N	LINK PLUMERIA	181,220	181,220
66	0603751N	RETRACT ELM	174,014	174,014
68	0603764N	LINK EVERGREEN	68,654	68,654
69	0603787N	SPECIAL PROCESSES	44,487	44,487
70	0603790N	NATO RESEARCH AND DEVELOPMENT	9,389	9,389
71	0603795N	LAND ATTACK TECHNOLOGY	16,132	16,132
72	0603851M	JOINT NON-LETHAL WEAPONS TESTING	44,994	44,994
73	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL	137,369	137,369
76	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	73,934	73,934
77	0604279N	ASE SELF-PROTECTION OPTIMIZATION	711	711
78	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW)	71,300	71,300
79	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	5,654	5,654
80	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT	31,549	31,549
82	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT	86,801	86,801
83	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH	44,500	44,500
84	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	13,172	13,172
86	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	643	643
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**4,335,297**	**4,709,697**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
87	0604212N	OTHER HELO DEVELOPMENT	33,978	33,978
88	0604214N	AV–8B AIRCRAFT—ENG DEV	32,789	32,789
89	0604215N	STANDARDS DEVELOPMENT	84,988	84,988

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Line	Program Element	Item	FY 2013 Request	House Authorized
90	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	6,866	6,866
91	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	4,060	4,060
92	0604221N	P–3 MODERNIZATION PROGRAM	3,451	3,451
93	0604230N	WARFARE SUPPORT SYSTEM	13,071	13,071
94	0604231N	TACTICAL COMMAND SYSTEM	71,645	71,645
95	0604234N	ADVANCED HAWKEYE	119,065	119,065
96	0604245N	H–1 UPGRADES	31,105	31,105
97	0604261N	ACOUSTIC SEARCH SENSORS	34,299	34,299
98	0604262N	V–22A	54,412	54,412
99	0604264N	AIR CREW SYSTEMS DEVELOPMENT	2,717	2,717
100	0604269N	EA–18	13,009	13,009
101	0604270N	ELECTRONIC WARFARE DEVELOPMENT	51,304	51,304
102	0604273N	VH–71A EXECUTIVE HELO DEVELOPMENT	61,163	61,163
103	0604274N	NEXT GENERATION JAMMER (NGJ)	187,024	187,024
104	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	337,480	337,480
105	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	260,616	510,616
		Cruiser Retention		[250,000]
106	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	824	824
107	0604329N	SMALL DIAMETER BOMB (SDB)	31,064	31,064
108	0604366N	STANDARD MISSILE IMPROVEMENTS	63,891	63,891
109	0604373N	AIRBORNE MCM	73,246	73,246
110	0604376M	MARINE AIR GROUND TASK FORCE (MAGTF) ELECTRONIC WARFARE (EW) FOR AVIATION	10,568	10,568
111	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING	39,974	39,974
112	0604404N	UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE (UCLASS) SYSTEM	122,481	47,481
		Transfer from RDN 112 to RDN 167		[–75,000]
113	0604501N	ADVANCED ABOVE WATER SENSORS	255,516	255,516
114	0604503N	SSN–688 AND TRIDENT MODERNIZATION	82,620	82,620
115	0604504N	AIR CONTROL	5,633	5,633
116	0604512N	SHIPBOARD AVIATION SYSTEMS	55,826	55,826
117	0604518N	COMBAT INFORMATION CENTER CONVERSION	918	918
118	0604558N	NEW DESIGN SSN	165,230	165,230
119	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	49,141	49,141
120	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	196,737	196,737
121	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,889	3,889
122	0604601N	MINE DEVELOPMENT	8,335	8,335
123	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	49,818	49,818
124	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	10,099	10,099
125	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	7,348	7,348
126	0604727N	JOINT STANDOFF WEAPON SYSTEMS	5,518	5,518
127	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	87,662	87,662
128	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	64,079	64,079
129	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	151,489	152,614
		Cruiser Retention		[1,125]
131	0604771N	MEDICAL DEVELOPMENT	12,707	12,707
132	0604777N	NAVIGATION/ID SYSTEM	47,764	47,764
133	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	737,149	737,149
134	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	743,926	743,926
135	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	12,143	12,143
136	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	72,209	72,209
138	0605212N	CH–53K RDTE	606,204	606,204
140	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	421,102	421,102
141	0204202N	DDG–1000	124,655	124,655
142	0304231N	TACTICAL COMMAND SYSTEM—MIP	1,170	1,170
144	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	23,255	23,255
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**5,747,232**	**5,923,357**
		RDT&E MANAGEMENT SUPPORT		
146	0604256N	THREAT SIMULATOR DEVELOPMENT	30,790	30,790
147	0604258N	TARGET SYSTEMS DEVELOPMENT	59,221	59,221
148	0604759N	MAJOR T&E INVESTMENT	35,894	35,894
149	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	7,573	7,573
150	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	20,963	20,963
151	0605154N	CENTER FOR NAVAL ANALYSES	46,856	46,856
153	0605804N	TECHNICAL INFORMATION SERVICES	796	796
154	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	32,782	32,782
155	0605856N	STRATEGIC TECHNICAL SUPPORT	3,306	3,306
156	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	70,302	70,302
157	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	144,033	144,033
158	0605864N	TEST AND EVALUATION SUPPORT	342,298	342,298
159	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	16,399	16,399
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	4,579	4,579
161	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	8,000	8,000
162	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	18,490	18,490
163	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES	2,795	2,795
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**845,077**	**845,077**
		OPERATIONAL SYSTEMS DEVELOPMENT		
167	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT	142,282	217,282
		Transfer from RDN 112 to RDN 167		[75,000]
170	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	105,892	105,892
171	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	34,729	34,729
172	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	1,434	1,434
173	0101402N	NAVY STRATEGIC COMMUNICATIONS	19,208	19,208

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174	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	25,566	25,566
175	0204136N	F/A–18 SQUADRONS	188,299	188,299
176	0204152N	E–2 SQUADRONS	8,610	8,610
177	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	15,695	15,695
178	0204228N	SURFACE SUPPORT	4,171	4,171
179	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	11,265	11,265
180	0204311N	INTEGRATED SURVEILLANCE SYSTEM	45,922	45,922
181	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	8,435	8,435
182	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	75,088	75,088
183	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	20,229	20,229
184	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,756	1,756
185	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	19,843	19,843
186	0205601N	HARM IMPROVEMENT	11,477	11,477
187	0205604N	TACTICAL DATA LINKS	118,818	118,818
188	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	27,342	27,342
189	0205632N	MK–48 ADCAP	28,717	28,717
190	0205633N	AVIATION IMPROVEMENTS	89,157	89,157
191	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM	3,450	0
		Transfer to Science and Technology (RDN 003A)		[–3,450]
192	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	86,435	86,435
193	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	219,054	219,054
194	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	181,693	181,693
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	58,393	58,393
196	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	22,966	22,966
197	0207161N	TACTICAL AIM MISSILES	21,107	21,107
198	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	2,857	2,857
199	0208058N	JOINT HIGH SPEED VESSEL (JHSV)	1,932	1,932
204	0303109N	SATELLITE COMMUNICATIONS (SPACE)	188,482	188,482
205	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	16,749	16,749
206	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	26,307	26,307
207	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	500	500
210	0305149N	COBRA JUDY	17,091	17,091
211	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	810	810
212	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	8,617	8,617
213	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	9,066	9,066
215	0305207N	MANNED RECONNAISSANCE SYSTEMS	30,654	30,654
216	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	25,917	25,917
217	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	14,676	14,676
218	0305220N	RQ–4 UAV	657,483	657,483
219	0305231N	MQ–8 UAV	99,600	99,600
220	0305232M	RQ–11 UAV	495	495
221	0305233N	RQ–7 UAV	863	863
223	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	9,734	9,734
225	0305239M	RQ–21A	22,343	22,343
226	0308601N	MODELING AND SIMULATION SUPPORT	5,908	5,908
227	0702207N	DEPOT MAINTENANCE (NON-IF)	27,391	27,391
229	0708011N	INDUSTRIAL PREPAREDNESS	54,879	54,879
230	0708730N	MARITIME TECHNOLOGY (MARITECH)	5,000	5,000
230A	9999999999	CLASSIFIED PROGRAMS	1,151,159	1,351,159
		Program increase		[200,000]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**3,975,546**	**4,247,096**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**16,882,877**	**17,718,402**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
1	0601102F	DEFENSE RESEARCH SCIENCES	361,787	361,787
2	0601103F	UNIVERSITY RESEARCH INITIATIVES	141,153	141,153
3	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	13,094	13,094
		SUBTOTAL BASIC RESEARCH	**516,034**	**516,034**
		APPLIED RESEARCH		
4	0602102F	MATERIALS	114,166	114,166
5	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	120,719	120,719
6	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	89,319	89,319
7	0602203F	AEROSPACE PROPULSION	232,547	232,547
8	0602204F	AEROSPACE SENSORS	127,637	127,637
9	0602601F	SPACE TECHNOLOGY	98,375	98,375
10	0602602F	CONVENTIONAL MUNITIONS	77,175	77,175
11	0602605F	DIRECTED ENERGY TECHNOLOGY	106,196	106,196
12	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	104,362	104,362
13	0602890F	HIGH ENERGY LASER RESEARCH	38,557	38,557
		SUBTOTAL APPLIED RESEARCH	**1,109,053**	**1,109,053**
		ADVANCED TECHNOLOGY DEVELOPMENT		
14	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	47,890	57,890
		Increase Materials Affordability Initiative program		[10,000]
15	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	6,565	6,565
16	0603203F	ADVANCED AEROSPACE SENSORS	37,657	37,657
17	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	81,376	81,376
18	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	151,152	151,152
19	0603270F	ELECTRONIC COMBAT TECHNOLOGY	32,941	32,941
20	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	64,557	64,557

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21	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	29,256	29,256
22	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	21,523	21,523
23	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	36,352	36,352
24	0603605F	ADVANCED WEAPONS TECHNOLOGY	19,004	19,004
25	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	37,045	37,045
26	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION	31,419	31,419
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**596,737**	**606,737**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
28	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	3,866	3,866
29	0603287F	PHYSICAL SECURITY EQUIPMENT	3,704	3,704
30	0603430F	ADVANCED EHF MILSATCOM (SPACE)	229,171	227,671
		Project decrease		[–1,500]
31	0603432F	POLAR MILSATCOM (SPACE)	120,676	120,676
32	0603438F	SPACE CONTROL TECHNOLOGY	25,144	23,144
		Project decrease		[–2,000]
33	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	32,243	32,243
34	0603790F	NATO RESEARCH AND DEVELOPMENT	4,507	4,507
35	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D	652	652
36	0603830F	SPACE PROTECTION PROGRAM (SPP)	10,429	10,429
37	0603850F	INTEGRATED BROADCAST SERVICE—DEM/VAL	19,938	19,938
38	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	71,181	71,181
39	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE)	12,027	12,027
40	0603859F	POLLUTION PREVENTION—DEM/VAL	2,054	2,054
41	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL	57,975	57,975
42	0604015F	LONG RANGE STRIKE	291,742	291,742
43	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	114,417	114,417
44	0604317F	TECHNOLOGY TRANSFER	2,576	2,576
45	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM	16,711	16,711
47	0604337F	REQUIREMENTS ANALYSIS AND MATURATION	16,343	16,343
48	0604422F	WEATHER SATELLITE FOLLOW-ON	2,000	2,000
50	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	9,423	9,423
54	0604857F	OPERATIONALLY RESPONSIVE SPACE		25,000
		Operationally Responsive Space		[25,000]
55	0604858F	TECH TRANSITION PROGRAM	37,558	34,558
		Project decrease		[–3,000]
56	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	96,840	96,840
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**1,181,177**	**1,199,677**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
58	0603840F	GLOBAL BROADCAST SERVICE (GBS)	14,652	14,652
59	0604222F	NUCLEAR WEAPONS SUPPORT	25,713	25,713
60	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	6,583	6,583
61	0604270F	ELECTRONIC WARFARE DEVELOPMENT	1,975	1,975
62	0604280F	JOINT TACTICAL RADIO	2,594	2,594
63	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	24,534	24,534
64	0604287F	PHYSICAL SECURITY EQUIPMENT	51	51
65	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	143,000	143,000
66	0604421F	COUNTERSPACE SYSTEMS	28,797	28,797
67	0604425F	SPACE SITUATION AWARENESS SYSTEMS	267,252	267,252
68	0604429F	AIRBORNE ELECTRONIC ATTACK	4,118	4,118
69	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	448,594	446,594
		Project decrease		[–2,000]
70	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	9,951	9,951
71	0604604F	SUBMUNITIONS	2,567	2,567
72	0604617F	AGILE COMBAT SUPPORT	13,059	13,059
73	0604706F	LIFE SUPPORT SYSTEMS	9,720	9,720
74	0604735F	COMBAT TRAINING RANGES	9,222	9,222
76	0604750F	INTELLIGENCE EQUIPMENT	803	803
77	0604800F	F–35—EMD	1,210,306	1,210,306
78	0604851F	INTERCONTINENTAL BALLISTIC MISSILE—EMD	135,437	135,437
79	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD	7,980	7,980
80	0604932F	LONG RANGE STANDOFF WEAPON	2,004	2,004
81	0604933F	ICBM FUZE MODERNIZATION	73,512	73,512
82	0605213F	F–22 MODERNIZATION INCREMENT 3.2B	140,100	140,100
83	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT	1,815,588	1,815,588
84	0605229F	CSAR HH–60 RECAPITALIZATION	123,210	123,210
85	0605278F	HC/MC–130 RECAP RDT&E	19,039	19,039
86	0605931F	B–2 DEFENSIVE MANAGEMENT SYSTEM	281,056	281,056
87	0101125F	NUCLEAR WEAPONS MODERNIZATION	80,200	80,200
89	0207604F	READINESS TRAINING RANGES, OPERATIONS AND MAINTENANCE	310	310
90	0207701F	FULL COMBAT MISSION TRAINING	14,861	14,861
91	0305230F	MC–12	19,949	19,949
92	0401138F	C–27J AIRLIFT SQUADRONS		25,000
		Joint Cargo Aircraft		[25,000]
93	0401318F	CV–22	28,027	28,027
94	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	1,960	1,960
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**4,966,724**	**4,989,724**
		RDT&E MANAGEMENT SUPPORT		
95	0604256F	THREAT SIMULATOR DEVELOPMENT	22,812	22,812
96	0604759F	MAJOR T&E INVESTMENT	42,236	42,236
97	0605101F	RAND PROJECT AIR FORCE	25,579	25,579

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99	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	16,197	16,197
100	0605807F	TEST AND EVALUATION SUPPORT	722,071	722,071
101	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	16,200	16,200
102	0605864F	SPACE TEST PROGRAM (STP)	10,051	45,001
		Program increase		[34,950]
103	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT	42,597	42,597
104	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	27,301	27,301
105	0606323F	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE	13,964	13,964
106	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE	203,766	203,766
107	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	42,430	42,430
108	0804731F	GENERAL SKILL TRAINING	1,294	1,294
111	1001004F	INTERNATIONAL ACTIVITIES	3,851	3,851
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**1,190,349**	**1,225,299**
		OPERATIONAL SYSTEMS DEVELOPMENT		
112	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT	371,595	370,095
		Project decrease		[–1,500]
114	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF–IPPS)	91,697	91,697
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	17,037	17,037
117	0101113F	B–52 SQUADRONS	53,208	53,208
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	431	431
119	0101126F	B–1B SQUADRONS	16,265	16,265
120	0101127F	B–2 SQUADRONS	35,970	35,970
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	30,889	30,889
122	0101314F	NIGHT FIST—USSTRATCOM	10	10
124	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM	5,609	5,609
126	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND	15,098	15,098
127	0205219F	MQ–9 UAV	147,971	147,971
128	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT	49,848	49,848
129	0207131F	A–10 SQUADRONS	13,538	13,538
130	0207133F	F–16 SQUADRONS	190,257	190,257
131	0207134F	F–15E SQUADRONS	192,677	192,677
132	0207136F	MANNED DESTRUCTIVE SUPPRESSION	13,683	13,683
133	0207138F	F–22A SQUADRONS	371,667	371,667
134	0207142F	F–35 SQUADRONS	8,117	8,117
135	0207161F	TACTICAL AIM MISSILES	8,234	8,234
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	87,041	87,041
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	1,472	1,472
138	0207224F	COMBAT RESCUE AND RECOVERY	2,095	2,095
139	0207227F	COMBAT RESCUE—PARARESCUE	1,119	1,119
140	0207247F	AF TENCAP	63,853	63,853
141	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	1,063	1,063
142	0207253F	COMPASS CALL	12,094	12,094
143	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	187,984	187,984
145	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	7,950	7,950
146	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	76,315	76,315
147	0207412F	CONTROL AND REPORTING CENTER (CRC)	8,653	8,653
148	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	65,200	65,200
149	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	5,767	5,767
152	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	5,756	5,756
154	0207444F	TACTICAL AIR CONTROL PARTY-MOD	16,226	16,226
156	0207448F	C2ISR TACTICAL DATA LINK	1,633	1,633
157	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION	18,086	18,086
158	0207452F	DCAPES	15,690	15,690
159	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	24,241	24,241
160	0207590F	SEEK EAGLE	22,654	22,654
161	0207601F	USAF MODELING AND SIMULATION	15,501	15,501
162	0207605F	WARGAMING AND SIMULATION CENTERS	5,699	5,699
163	0207697F	DISTRIBUTED TRAINING AND EXERCISES	4,425	4,425
164	0208006F	MISSION PLANNING SYSTEMS	69,377	69,377
165	0208021F	INFORMATION WARFARE SUPPORT	7,159	7,159
166	0208059F	CYBER COMMAND ACTIVITIES	66,888	66,888
174	0301400F	SPACE SUPERIORITY INTELLIGENCE	12,056	12,056
175	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	4,159	4,159
176	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	20,124	20,124
177	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	69,133	69,133
178	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	6,512	6,512
179	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM	4,316	4,316
180	0303601F	MILSATCOM TERMINALS	107,237	107,237
182	0304260F	AIRBORNE SIGINT ENTERPRISE	129,106	129,106
185	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,461	4,461
186	0305103F	CYBER SECURITY INITIATIVE	2,055	2,055
187	0305105F	DOD CYBER CRIME CENTER	285	285
188	0305110F	SATELLITE CONTROL NETWORK (SPACE)	33,773	33,773
189	0305111F	WEATHER SERVICE	29,048	29,048
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	43,187	43,187
191	0305116F	AERIAL TARGETS	50,496	50,496
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	354	354
195	0305145F	ARMS CONTROL IMPLEMENTATION	4,000	4,000
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	342	342
198	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	29,621	29,621
199	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS)	14,335	14,335
201	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	3,680	3,680

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202	0305174F	SPACE INNOVATION AND DEVELOPMENT CENTER	2,430	2,430
203	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	8,760	8,760
205	0305202F	DRAGON U–2	23,644	23,644
206	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	21,000	21,000
207	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	96,735	96,735
208	0305207F	MANNED RECONNAISSANCE SYSTEMS	13,316	13,316
209	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	63,501	63,501
210	0305219F	MQ–1 PREDATOR A UAV	9,122	9,122
211	0305220F	RQ–4 UAV	236,265	236,265
212	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	7,367	7,367
213	0305236F	COMMON DATA LINK (CDL)	38,094	38,094
214	0305238F	NATO AGS	210,109	210,109
215	0305240F	SUPPORT TO DCGS ENTERPRISE	24,500	24,500
216	0305265F	GPS III SPACE SEGMENT	318,992	318,992
217	0305614F	JSPOC MISSION SYSTEM	54,645	54,645
218	0305881F	RAPID CYBER ACQUISITION	4,007	4,007
219	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	13,357	13,357
220	0305913F	NUDET DETECTION SYSTEM (SPACE)	64,965	64,965
221	0305940F	SPACE SITUATION AWARENESS OPERATIONS	19,586	19,586
223	0308699F	SHARED EARLY WARNING (SEW)	1,175	1,175
224	0401115F	C–130 AIRLIFT SQUADRON	5,000	5,000
225	0401119F	C–5 AIRLIFT SQUADRONS (IF)	35,115	35,115
226	0401130F	C–17 AIRCRAFT (IF)	99,225	99,225
227	0401132F	C–130J PROGRAM	30,652	30,652
228	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	7,758	7,758
229	0401139F	LIGHT MOBILITY AIRCRAFT (LIMA)	100	100
231	0401219F	KC–10S	24,022	24,022
232	0401314F	OPERATIONAL SUPPORT AIRLIFT	7,471	7,471
234	0408011F	SPECIAL TACTICS/COMBAT CONTROL	4,984	4,984
235	0702207F	DEPOT MAINTENANCE (NON-IF)	1,588	1,588
236	0708012F	LOGISTICS SUPPORT ACTIVITIES	577	577
237	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	119,327	119,327
238	0708611F	SUPPORT SYSTEMS DEVELOPMENT	15,873	15,873
240	0804743F	OTHER FLIGHT TRAINING	349	349
242	0808716F	OTHER PERSONNEL ACTIVITIES	117	117
243	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,018	2,018
244	0901218F	CIVILIAN COMPENSATION PROGRAM	1,561	1,561
245	0901220F	PERSONNEL ADMINISTRATION	7,634	7,634
246	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,175	1,175
247	0901279F	FACILITIES OPERATION—ADMINISTRATIVE	3,491	3,491
248	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	100,160	100,160
249A	9999999999	CLASSIFIED PROGRAMS	11,172,183	11,172,183
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**15,867,972**	**15,866,472**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**25,428,046**	**25,512,996**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
1	0601000BR	DTRA BASIC RESEARCH INITIATIVE	45,071	45,071
2	0601101E	DEFENSE RESEARCH SCIENCES	309,051	309,051
3	0601110D8Z	BASIC RESEARCH INITIATIVES	19,405	19,405
4	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	39,676	39,676
5	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	87,979	87,979
6	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	50,566	50,566
		SUBTOTAL BASIC RESEARCH	**551,748**	**551,748**
		APPLIED RESEARCH		
7	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	20,615	20,615
8	0602115E	BIOMEDICAL TECHNOLOGY	110,900	110,900
9	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE		10,000
		Program increase		[10,000]
10	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	36,826	36,826
11	0602250D8Z	SYSTEMS 2020 APPLIED RESEARCH	7,898	7,898
12	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	392,421	392,421
13	0602304E	COGNITIVE COMPUTING SYSTEMS	30,424	30,424
15	0602383E	BIOLOGICAL WARFARE DEFENSE	19,236	19,236
16	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	223,269	223,269
17	0602663D8Z	DATA TO DECISIONS APPLIED RESEARCH	13,753	13,753
18	0602668D8Z	CYBER SECURITY RESEARCH	18,985	18,985
19	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH	6,771	6,771
20	0602702E	TACTICAL TECHNOLOGY	233,209	233,209
21	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	166,067	166,067
22	0602716E	ELECTRONICS TECHNOLOGY	222,416	222,416
23	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	172,352	172,352
24	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	28,739	28,739
		SUBTOTAL APPLIED RESEARCH	**1,703,881**	**1,713,881**
		ADVANCED TECHNOLOGY DEVELOPMENT (ATD)		
25	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	25,612	25,612
26	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	26,324	26,324
27	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	77,144	77,144
28	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT	275,022	275,022
29	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	79,975	79,975

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized
31	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	20,032	20,032
32	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY	3,892	3,892
33	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	36,685	36,685
34	0603286E	ADVANCED AEROSPACE SYSTEMS	174,316	149,316
		Program decrease		[–25,000]
35	0603287E	SPACE PROGRAMS AND TECHNOLOGY	159,704	159,704
36	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT	234,280	234,280
37	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	6,983	6,983
38	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	158,263	158,263
39	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	25,393	25,393
40	0603663D8Z	DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT	13,754	13,754
42	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH	19,935	19,935
43	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT	8,235	8,235
44	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM	21,966	21,966
45	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	24,662	24,662
47	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	24,605	24,605
48	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY	30,678	30,678
49	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	65,282	65,282
50	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT	72,234	82,234
		Program increase		[10,000]
51	0603727D8Z	JOINT WARFIGHTING PROGRAM	8,403	8,403
52	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	111,008	111,008
54	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	237,859	212,859
		Program reduction		[–25,000]
55	0603765E	CLASSIFIED DARPA PROGRAMS	3,000	3,000
56	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	236,883	236,883
57	0603767E	SENSOR TECHNOLOGY	299,438	299,438
58	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	12,195	12,195
59	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	30,036	30,036
60	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	107,002	107,002
62	0603828J	JOINT EXPERIMENTATION	21,230	21,230
63	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE	47,433	47,433
64	0603901C	DIRECTED ENERGY RESEARCH	46,944	76,944
		Program increase		[30,000]
65	0603902C	NEXT GENERATION AEGIS MISSILE	224,077	224,077
66	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	92,602	92,602
68	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	26,244	26,244
69	0303310D8Z	CWMD SYSTEMS	53,946	53,946
70	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	45,317	45,317
71	1160422BB	AVIATION ENGINEERING ANALYSIS	861	861
72	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY	4,959	4,959
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT (ATD)	**3,194,413**	**3,184,413**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
73	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P	33,234	33,234
74	0603527D8Z	RETRACT LARCH	21,023	21,023
75	0603600D8Z	WALKOFF	94,624	94,624
77	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	16,958	16,958
78	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	75,941	75,941
79	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	316,929	316,929
80	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	903,172	1,363,172
		East Coast site planning and development, and EIS work		[103,000]
		Program increase		[357,000]
81	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL	179,023	179,023
82	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	347,012	347,012
84	0603890C	BMD ENABLING PROGRAMS	362,711	362,711
85	0603891C	SPECIAL PROGRAMS—MDA	272,387	272,387
86	0603892C	AEGIS BMD	992,407	992,407
87	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	51,313	51,313
88	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	6,912	6,912
89	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT & COMMUNICATION	366,552	366,552
90	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	55,550	55,550
91	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)	63,043	63,043
92	0603906C	REGARDING TRENCH	11,371	11,371
93	0603907C	SEA BASED X-BAND RADAR (SBX)	9,730	9,730
94	0603913C	ISRAELI COOPERATIVE PROGRAMS	99,836	267,836
		Increase to DSWS, ASIP, Arrow-3 cooperative programs		[168,000]
95	0603914C	BALLISTIC MISSILE DEFENSE TEST	454,400	454,400
96	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	435,747	435,747
97	0603920D8Z	HUMANITARIAN DEMINING	13,231	13,231
98	0603923D8Z	COALITION WARFARE	11,398	11,398
99	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,283	3,283
100	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT	12,368	12,368
101	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING	5,131	5,131
104	0604787J	JOINT SYSTEMS INTEGRATION	3,273	3,273
106	0604828J	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM	7,364	7,364
107	0604880C	LAND-BASED SM–3 (LBSM3)	276,338	276,338
108	0604881C	AEGIS SM–3 BLOCK IIA CO-DEVELOPMENT	420,630	420,630
109	0604883C	PRECISION TRACKING SPACE SENSOR RDT&E	297,375	50,000
		Project decrease to support technology development		[–247,375]
111	0604886C	ADVANCED REMOTE SENSOR TECHNOLOGY (ARST)	58,742	58,742
113	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	3,158	3,158
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**6,282,166**	**6,662,791**

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(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized
		SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)		
115	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD	6,817	6,817
116	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	110,383	110,383
117	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	311,071	311,071
119	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS–JPO)	25,787	25,787
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	20,688	20,688
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	5,749	5,749
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	12,699	12,699
125	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	387	387
126	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	1,859	1,859
127	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	7,010	7,010
128	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION	133,104	133,104
129	0605075D8Z	DCMO POLICY AND INTEGRATION	25,269	25,269
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES	10,238	10,238
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	19,670	19,670
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM)	3,556	3,556
		SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)	**694,287**	**694,287**
		RDT&E MANAGEMENT SUPPORT		
135	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	6,383	6,383
136	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	3,845	3,845
137	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	144,109	144,109
138	0604942D8Z	ASSESSMENTS AND EVALUATIONS	2,419	2,419
139	0604943D8Z	THERMAL VICAR	8,214	8,214
140	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	19,380	19,380
141	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	32,266	32,266
142	0605110D8Z	USD(A&T)—CRITICAL TECHNOLOGY SUPPORT	840	840
143	0605117D8Z	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	56,012	56,012
144	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO)	55,508	55,508
146	0605130D8Z	FOREIGN COMPARATIVE TESTING	18,174	18,174
147	0605142D8Z	SYSTEMS ENGINEERING	43,195	43,195
148	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	6,457	6,457
149	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	4,901	4,901
150	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	6,307	6,307
151	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	6,601	6,601
152	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	92,849	92,849
159	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S	1,857	1,857
160	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	12,056	12,056
162	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	55,454	55,454
163	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	16,364	16,364
164	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	15,110	15,110
166	0605898E	MANAGEMENT HQ—R&D	69,767	69,767
167	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,454	4,454
169	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	2,637	2,637
174	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	8,238	8,238
176	0305103E	CYBER SECURITY INITIATIVE	1,801	1,801
177	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	16,041	16,041
180	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)	77,475	77,475
182	0901598C	MANAGEMENT HQ—MDA	34,855	34,855
183	0901598D8W	MANAGEMENT HEADQUARTERS WHS	104	104
184A	9999999999	CLASSIFIED PROGRAMS	64,255	64,255
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**887,928**	**887,928**
		OPERATIONAL SYSTEMS DEVELOPMENT		
185	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	8,866	8,866
186	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MGMT	3,238	3,238
187	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS)	288	288
188	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)	14,745	14,745
190	0607828J	JOINT INTEGRATION AND INTEROPERABILITY	5,013	5,013
191	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,922	3,922
192	0208045K	C4I INTEROPERABILITY	72,574	72,574
194	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	6,214	6,214
201	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	499	499
202	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	14,498	14,498
203	0303126K	LONG-HAUL COMMUNICATIONS—DCS	26,164	26,164
204	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	12,931	12,931
205	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	6,296	6,296
206	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	30,948	30,948
207	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	11,780	11,780
208	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	191,452	241,452
		Program increase		[50,000]
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	36,575	46,575
		Program increase		[10,000]
212	0303153K	DEFENSE SPECTRUM ORGANIZATION	24,278	24,278
213	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	2,924	2,924
214	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO)	1,294	1,294
215	0303610K	TELEPORT PROGRAM	6,050	6,050
217	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES	17,058	17,058
222	0305103K	CYBER SECURITY INITIATIVE	4,189	4,189
223	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	10,462	10,462
227	0305186D8Z	POLICY R&D PROGRAMS	6,360	6,360
229	0305199D8Z	NET CENTRICITY	21,190	21,190

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Line	Program Element	Item	FY 2013 Request	House Authorized
232	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	7,114	7,714
		Program increase		[600]
235	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,247	3,247
237	0305219BB	MQ–1 PREDATOR A UAV	1,355	1,355
240	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,303	2,303
241	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES	1,478	1,478
249	0708011S	INDUSTRIAL PREPAREDNESS	27,044	27,044
250	0708012S	LOGISTICS SUPPORT ACTIVITIES	4,711	4,711
251	0902298J	MANAGEMENT HQ—OJCS	4,100	4,100
253	1105219BB	MQ–9 UAV	3,002	3,002
257	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT	97,267	97,267
258	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	821	821
259	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	25,935	25,935
260	1160408BB	SOF OPERATIONAL ENHANCEMENTS	51,700	51,700
261	1160421BB	SPECIAL OPERATIONS CV–22 DEVELOPMENT	1,822	1,822
262	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	10,131	10,131
263	1160429BB	AC/MC–130J	19,647	19,647
264	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS	2,225	2,225
265	1160476BB	SOF TACTICAL RADIO SYSTEMS	3,036	3,036
266	1160477BB	SOF WEAPONS SYSTEMS	1,511	1,511
267	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	4,263	4,263
268	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS	4,448	4,448
269	1160480BB	SOF TACTICAL VEHICLES	11,325	11,325
270	1160481BB	SOF MUNITIONS	1,515	1,515
271	1160482BB	SOF ROTARY WING AVIATION	24,430	24,430
272	1160483BB	SOF UNDERWATER SYSTEMS	26,405	61,405
		Program increase		[35,000]
273	1160484BB	SOF SURFACE CRAFT	8,573	8,573
275	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	7,620	7,620
276	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	16,386	16,386
276A	9999999999	CLASSIFIED PROGRAMS	3,754,516	3,774,416
		Program increases		[19,900]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**4,667,738**	**4,783,238**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**17,982,161**	**18,478,286**
		OPERATIONAL TEST & EVAL, DEFENSE		
		RDT&E MANAGEMENT SUPPORT		
1	0605118OTE	OPERATIONAL TEST AND EVALUATION	72,501	107,501
		Program increase for DOT&E cyber—range operations		[25,000]
		Program increase for DOT&E cyber—threat development and assessment		[10,000]
2	0605131OTE	LIVE FIRE TEST AND EVALUATION	49,201	49,201
3	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	63,566	63,566
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**185,268**	**220,268**
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	**185,268**	**220,268**
		TOTAL RESEARCH, DEVELOPMENT, TEST AND EVALUATION	**69,407,767**	**70,387,256**

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 2013 Request	House Authorized
	RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES**		
60	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	19,860	19,860
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**19,860**	**19,860**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**19,860**	**19,860**
	RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES**		
56	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	4,600	4,600
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**4,600**	**4,600**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
131	0604771N	MEDICAL DEVELOPMENT	2,173	2,173
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**2,173**	**2,173**
		RDT&E MANAGEMENT SUPPORT		
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	5,200	5,200
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**5,200**	**5,200**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized
	RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**OPERATIONAL SYSTEMS DEVELOPMENT**		
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	6,762	6,762
221	0305233N	RQ–7 UAV	7,600	7,600
230A	9999999999	CLASSIFIED PROGRAMS	33,784	33,784
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**48,146**	**48,146**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**60,119**	**60,119**
		OPERATIONAL SYSTEMS DEVELOPMENT		
249A	9999999999	CLASSIFIED PROGRAMS	53,150	53,150
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**53,150**	**53,150**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**53,150**	**53,150**
		APPLIED RESEARCH		
9	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE		10,000
		Program increase		[10,000]
		SUBTOTAL APPLIED RESEARCH		**10,000**
		ADVANCED TECHNOLOGY DEVELOPMENT (ATD)		
27	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT		25,000
		Program increase		[25,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT (ATD)		**25,000**
	ADVANCED COMPONENT DEVELOPMENT & PROTYPES			
94	0603913C	ISRAELI COOPERATIVE PROGRAMS		680,000
		Iron Dome		[680,000]
102	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM		200,000
		Program increase		[200,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		**880,000**
		OPERATIONAL SYSTEMS DEVELOPMENT		
239	0305231BB	MQ–8 UAV	5,000	5,000
276A	9999999999	CLASSIFIED PROGRAMS	107,387	107,387
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**112,387**	**112,387**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**112,387**	**1,027,387**
		TOTAL RDT&E	**245,516**	**1,160,516**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
10	MANEUVER UNITS	1,223,087	1,223,087
20	MODULAR SUPPORT BRIGADES	80,574	80,574
30	ECHELONS ABOVE BRIGADE	723,039	723,039
40	THEATER LEVEL ASSETS	706,974	706,974
50	LAND FORCES OPERATIONS SUPPORT	1,226,650	1,226,650
60	AVIATION ASSETS	1,319,832	1,319,832
70	FORCE READINESS OPERATIONS SUPPORT	3,447,174	3,447,174
80	LAND FORCES SYSTEMS READINESS	454,774	454,774
90	LAND FORCES DEPOT MAINTENANCE	1,762,757	1,762,757
100	BASE OPERATIONS SUPPORT	7,401,613	7,401,613
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,041,074	3,234,674
	Realignment to Cemeterial Expenses, Army		[–25,000]
	Restoration and Modernization of Facilities		[218,600]
120	MANAGEMENT AND OPERATIONAL HQ'S	410,171	410,171
130	COMBATANT COMMANDERS CORE OPERATIONS	177,819	177,819
170	COMBATANT COMMANDERS ANCILLARY MISSIONS	461,333	461,333
	SUBTOTAL OPERATING FORCES	**22,436,871**	**22,630,471**
	MOBILIZATION		
180	STRATEGIC MOBILITY	405,496	405,496
190	ARMY PREPOSITIONING STOCKS	195,349	195,349
200	INDUSTRIAL PREPAREDNESS	6,379	6,379
	SUBTOTAL MOBILIZATION	**607,224**	**607,224**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	TRAINING AND RECRUITING		
210	OFFICER ACQUISITION	112,866	112,866
220	RECRUIT TRAINING	73,265	73,265
230	ONE STATION UNIT TRAINING	51,227	51,227
240	SENIOR RESERVE OFFICERS TRAINING CORPS	443,306	443,306
250	SPECIALIZED SKILL TRAINING	1,099,556	1,099,556
260	FLIGHT TRAINING	1,130,627	1,130,627
270	PROFESSIONAL DEVELOPMENT EDUCATION	191,683	191,683
280	TRAINING SUPPORT	652,095	652,095
290	RECRUITING AND ADVERTISING	507,510	507,510
300	EXAMINING	156,964	156,964
310	OFF-DUTY AND VOLUNTARY EDUCATION	244,343	244,343
320	CIVILIAN EDUCATION AND TRAINING	212,477	212,477
330	JUNIOR ROTC	182,691	182,691
	SUBTOTAL TRAINING AND RECRUITING	**5,058,610**	**5,058,610**
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	601,331	601,331
360	CENTRAL SUPPLY ACTIVITIES	741,324	741,324
370	LOGISTIC SUPPORT ACTIVITIES	610,136	610,136
380	AMMUNITION MANAGEMENT	478,707	478,707
390	ADMINISTRATION	556,307	556,307
400	SERVICEWIDE COMMUNICATIONS	1,547,925	1,547,925
410	MANPOWER MANAGEMENT	362,205	362,205
420	OTHER PERSONNEL SUPPORT	220,754	220,754
430	OTHER SERVICE SUPPORT	1,153,556	1,150,509
	Army Museum Funding (Early to need)		[–3,047]
440	ARMY CLAIMS ACTIVITIES	250,970	250,970
450	REAL ESTATE MANAGEMENT	222,351	222,351
460	BASE OPERATIONS SUPPORT	222,379	222,379
470	SUPPORT OF NATO OPERATIONS	459,710	459,710
480	MISC. SUPPORT OF OTHER NATIONS	25,637	25,637
490	CLASSIFIED PROGRAMS	1,052,595	1,052,595
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**8,505,887**	**8,502,840**
	UNDISTRIBUTED ADJUSTMENTS		
500	UNDISTRIBUTED ADJUSTMENTS		–350,700
	Army Medical Evacuation Paramedic Certification Training		[5,000]
	Historical unobligated balances		[–289,200]
	Overestimate of Foreign Currency Fluctuation Costs		[–66,500]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–350,700**
	TOTAL OPERATION & MAINTENANCE, ARMY	**36,608,592**	**36,448,445**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
10	MISSION AND OTHER FLIGHT OPERATIONS	4,918,144	4,927,144
	Cruiser Retention		[9,000]
20	FLEET AIR TRAINING	1,886,825	1,886,825
30	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	44,032	44,032
40	AIR OPERATIONS AND SAFETY SUPPORT	101,565	101,565
50	AIR SYSTEMS SUPPORT	374,827	374,827
60	AIRCRAFT DEPOT MAINTENANCE	960,802	960,802
70	AIRCRAFT DEPOT OPERATIONS SUPPORT	37,545	37,545
80	AVIATION LOGISTICS	328,805	328,805
90	MISSION AND OTHER SHIP OPERATIONS	4,686,535	4,711,185
	Cruiser Retention		[24,650]
100	SHIP OPERATIONS SUPPORT & TRAINING	769,204	769,204
110	SHIP DEPOT MAINTENANCE	5,089,981	5,157,944
	Cruiser Retention		[67,963]
120	SHIP DEPOT OPERATIONS SUPPORT	1,315,366	1,329,237
	Cruiser Retention		[13,871]
130	COMBAT COMMUNICATIONS	619,909	619,909
140	ELECTRONIC WARFARE	92,364	92,364
150	SPACE SYSTEMS AND SURVEILLANCE	174,437	174,437
160	WARFARE TACTICS	441,035	441,035
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	333,554	333,554
180	COMBAT SUPPORT FORCES	910,087	910,087
190	EQUIPMENT MAINTENANCE	167,158	167,158
200	DEPOT OPERATIONS SUPPORT	4,183	4,183
210	COMBATANT COMMANDERS CORE OPERATIONS	95,528	95,528
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	204,569	204,569
230	CRUISE MISSILE	111,884	111,884

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
240	FLEET BALLISTIC MISSILE	1,181,038	1,181,038
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	87,606	87,606
260	WEAPONS MAINTENANCE	519,583	519,583
270	OTHER WEAPON SYSTEMS SUPPORT	300,435	300,435
280	ENTERPRISE INFORMATION	1,077,924	1,077,924
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	2,101,279	2,155,879
	Restoration and Modernization of Facilities		[54,600]
300	BASE OPERATING SUPPORT	4,822,093	4,822,093
	SUBTOTAL OPERATING FORCES	**33,758,297**	**33,928,381**
	MOBILIZATION		
310	SHIP PREPOSITIONING AND SURGE	334,659	334,659
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,562	6,562
330	SHIP ACTIVATIONS/INACTIVATIONS	1,066,329	587,329
	Cruiser Retention		[–9,000]
	Fiscal year 2013 portion of USS ENTERPRISE Inactivation Costs		[–470,000]
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	83,901	83,901
350	INDUSTRIAL READINESS	2,695	2,695
360	COAST GUARD SUPPORT	23,502	23,502
	SUBTOTAL MOBILIZATION	**1,517,648**	**1,038,648**
	TRAINING AND RECRUITING		
370	OFFICER ACQUISITION	147,807	147,807
380	RECRUIT TRAINING	10,473	10,473
390	RESERVE OFFICERS TRAINING CORPS	139,220	139,220
400	SPECIALIZED SKILL TRAINING	582,177	582,177
410	FLIGHT TRAINING	5,456	5,456
420	PROFESSIONAL DEVELOPMENT EDUCATION	170,746	170,746
430	TRAINING SUPPORT	153,403	153,403
440	RECRUITING AND ADVERTISING	241,329	242,267
	Naval Sea Cadet Corps		[938]
450	OFF-DUTY AND VOLUNTARY EDUCATION	108,226	108,226
460	CIVILIAN EDUCATION AND TRAINING	105,776	105,776
470	JUNIOR ROTC	51,817	51,817
	SUBTOTAL TRAINING AND RECRUITING	**1,716,430**	**1,717,368**
	ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	797,177	797,177
490	EXTERNAL RELATIONS	12,872	12,872
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	120,181	120,181
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	235,753	235,753
520	OTHER PERSONNEL SUPPORT	263,060	263,060
530	SERVICEWIDE COMMUNICATIONS	363,213	363,213
550	SERVICEWIDE TRANSPORTATION	182,343	182,343
570	PLANNING, ENGINEERING AND DESIGN	282,464	282,464
580	ACQUISITION AND PROGRAM MANAGEMENT	1,092,123	1,092,123
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT	53,560	53,560
600	COMBAT/WEAPONS SYSTEMS	25,299	25,299
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	64,418	64,418
620	NAVAL INVESTIGATIVE SERVICE	580,042	580,042
680	INTERNATIONAL HEADQUARTERS AND AGENCIES	4,984	4,984
710	CLASSIFIED PROGRAMS	537,079	537,079
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,614,568**	**4,614,568**
	UNDISTRIBUTED ADJUSTMENTS		
720	UNDISTRIBUTED ADJUSTMENTS		–166,400
	Historical unobligated balances		[–166,400]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–166,400**
	TOTAL OPERATION & MAINTENANCE, NAVY	**41,606,943**	**41,132,565**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
10	OPERATIONAL FORCES	788,055	788,055
20	FIELD LOGISTICS	762,614	762,614
30	DEPOT MAINTENANCE	168,447	168,447
40	MARITIME PREPOSITIONING	100,374	100,374
50	SUSTAINMENT, RESTORATION & MODERNIZATION	825,039	847,839
	Restoration and Modernization of Facilities		[22,800]
60	BASE OPERATING SUPPORT	2,188,883	2,188,883
	SUBTOTAL OPERATING FORCES	**4,833,412**	**4,856,212**
	TRAINING AND RECRUITING		
70	RECRUIT TRAINING	18,251	18,251

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
80	OFFICER ACQUISITION	869	869
90	SPECIALIZED SKILL TRAINING	80,914	80,914
100	PROFESSIONAL DEVELOPMENT EDUCATION	42,744	42,744
110	TRAINING SUPPORT	292,150	292,150
120	RECRUITING AND ADVERTISING	168,609	178,609
	Recruiting and advertising		[10,000]
130	OFF-DUTY AND VOLUNTARY EDUCATION	56,865	56,865
140	JUNIOR ROTC	19,912	19,912
	SUBTOTAL TRAINING AND RECRUITING	**680,314**	**690,314**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	39,962	39,962
170	ACQUISITION AND PROGRAM MANAGEMENT	83,404	83,404
190	CLASSIFIED PROGRAMS	346,071	346,071
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**469,437**	**469,437**
	UNDISTRIBUTED ADJUSTMENTS		
200	UNDISTRIBUTED ADJUSTMENTS		–23,900
	Historical unobligated balances		[–23,900]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–23,900**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**5,983,163**	**5,992,063**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
10	PRIMARY COMBAT FORCES	2,973,141	2,973,141
20	COMBAT ENHANCEMENT FORCES	1,611,032	1,744,032
	Global Hawk Block 30		[133,000]
30	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,472,806	1,472,806
40	DEPOT MAINTENANCE	5,545,470	5,545,470
50	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,353,987	1,569,487
	Restoration and Modernization of Facilities		[215,500]
60	BASE SUPPORT	2,595,032	2,595,032
70	GLOBAL C3I AND EARLY WARNING	957,040	957,040
80	OTHER COMBAT OPS SPT PROGRAMS	916,200	916,200
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	733,716	733,716
110	LAUNCH FACILITIES	314,490	314,490
120	SPACE CONTROL SYSTEMS	488,762	488,762
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	862,979	862,979
140	COMBATANT COMMANDERS CORE OPERATIONS	222,429	222,429
	SUBTOTAL OPERATING FORCES	**20,047,084**	**20,395,584**
	MOBILIZATION		
150	AIRLIFT OPERATIONS	1,785,379	1,785,379
160	MOBILIZATION PREPAREDNESS	154,049	154,049
170	DEPOT MAINTENANCE	1,477,396	1,477,396
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	309,699	309,699
190	BASE SUPPORT	707,574	707,574
	SUBTOTAL MOBILIZATION	**4,434,097**	**4,434,097**
	TRAINING AND RECRUITING		
200	OFFICER ACQUISITION	115,427	115,427
210	RECRUIT TRAINING	17,619	17,619
220	RESERVE OFFICERS TRAINING CORPS (ROTC)	92,949	92,949
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	336,433	336,433
240	BASE SUPPORT	842,441	842,441
250	SPECIALIZED SKILL TRAINING	482,634	482,634
260	FLIGHT TRAINING	750,609	750,609
270	PROFESSIONAL DEVELOPMENT EDUCATION	235,114	235,114
280	TRAINING SUPPORT	101,231	101,231
290	DEPOT MAINTENANCE	233,330	233,330
310	RECRUITING AND ADVERTISING	130,217	130,217
320	EXAMINING	2,738	2,738
330	OFF-DUTY AND VOLUNTARY EDUCATION	155,170	155,170
340	CIVILIAN EDUCATION AND TRAINING	175,147	175,147
350	JUNIOR ROTC	74,809	74,809
	SUBTOTAL TRAINING AND RECRUITING	**3,745,868**	**3,745,868**
	ADMIN & SRVWD ACTIVITIES		
360	LOGISTICS OPERATIONS	1,029,734	1,029,734
370	TECHNICAL SUPPORT ACTIVITIES	913,843	913,843
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	303,610	303,610
400	BASE SUPPORT	1,266,800	1,266,800
410	ADMINISTRATION	587,654	587,654

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
420	SERVICEWIDE COMMUNICATIONS	667,910	667,910
430	OTHER SERVICEWIDE ACTIVITIES	1,094,509	1,094,509
440	CIVIL AIR PATROL	23,904	23,904
470	INTERNATIONAL SUPPORT	81,307	81,307
480	CLASSIFIED PROGRAMS	1,239,040	1,239,040
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**7,208,311**	**7,208,311**
	UNDISTRIBUTED ADJUSTMENTS		
490	UNDISTRIBUTED ADJUSTMENTS		–43,700
	Historical unobligated balances		[–141,700]
	Overestimate of Foreign Currency Fluctuation Costs		[–32,000]
	Retain Air Force Force Structure		[130,000]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–43,700**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**35,435,360**	**35,740,160**
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
10	JOINT CHIEFS OF STAFF	485,708	485,708
20	SPECIAL OPERATIONS COMMAND		5,091,001
	Transfer from line 025		[5,091,001]
25	CLASSIFIED PROGRAMS	5,091,001	–5,091,001
	Transfer to Line 020		[–5,091,001]
	SUBTOTAL OPERATING FORCES	**5,576,709**	**5,576,709**
	TRAINING AND RECRUITING		
30	DEFENSE ACQUISITION UNIVERSITY	147,210	144,710
	Program decrease		[–2,500]
40	NATIONAL DEFENSE UNIVERSITY	84,999	82,499
	Program decrease		[–2,500]
	SUBTOTAL TRAINING AND RECRUITING	**232,209**	**227,209**
	ADMIN & SRVWD ACTIVITIES		
50	CIVIL MILITARY PROGRAMS	161,294	161,294
80	DEFENSE CONTRACT AUDIT AGENCY	573,973	573,973
90	DEFENSE CONTRACT MANAGEMENT AGENCY	1,293,196	1,293,196
100	DEFENSE FINANCE AND ACCOUNTING SERVICE	17,513	17,513
110	DEFENSE HUMAN RESOURCES ACTIVITY	676,186	676,186
120	DEFENSE INFORMATION SYSTEMS AGENCY	1,346,847	1,346,847
140	DEFENSE LEGAL SERVICES AGENCY	35,137	35,137
150	DEFENSE LOGISTICS AGENCY	431,893	431,893
160	DEFENSE MEDIA ACTIVITY	224,013	224,013
170	DEFENSE POW/MIA OFFICE	21,964	21,964
180	DEFENSE SECURITY COOPERATION AGENCY	557,917	557,917
190	DEFENSE SECURITY SERVICE		506,662
	Transfer from Line 280		[506,662]
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	35,319	35,319
210	DEFENSE THREAT REDUCTION AGENCY		443,382
	Transfer from Line 280		[443,382]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,744,971	2,744,971
230	MISSILE DEFENSE AGENCY	259,975	259,975
250	OFFICE OF ECONOMIC ADJUSTMENT	253,437	253,437
260	OFFICE OF THE SECRETARY OF DEFENSE	2,095,362	2,135,362
	Advancing Diversity and EO		[5,000]
	Office of Net Assessment		[10,000]
	Readiness Environmental Protection Initiative		[25,000]
270	WASHINGTON HEADQUARTERS SERVICE	521,297	521,297
280	CLASSIFIED PROGRAMS	14,933,801	14,045,757
	Program increase		[62,000]
	Transfer to Line 190		[–506,662]
	Transfer to Line 210		[–443,382]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**26,184,095**	**26,286,095**
	UNDISTRIBUTED ADJUSTMENTS		
290	UNDISTRIBUTED ADJUSTMENTS		–107,700
	DOD Impact Aid		[30,000]
	Historical unobligated balances		[–128,000]
	Overestimate of Foreign Currency Fluctuation Costs		[–9,700]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–107,700**
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	**31,993,013**	**31,982,313**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
10	MANEUVER UNITS	1,391	1,391
20	MODULAR SUPPORT BRIGADES	20,889	20,889
30	ECHELONS ABOVE BRIGADE	592,724	592,724
40	THEATER LEVEL ASSETS	114,983	114,983
50	LAND FORCES OPERATIONS SUPPORT	633,091	633,091
60	AVIATION ASSETS	76,823	76,823
70	FORCE READINESS OPERATIONS SUPPORT	481,997	481,997
80	LAND FORCES SYSTEMS READINESS	70,118	70,118
90	LAND FORCES DEPOT MAINTENANCE	141,205	141,205
100	BASE OPERATIONS SUPPORT	561,878	561,878
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	287,399	308,099
	Restoration and Modernization of Facilities		[20,700]
120	MANAGEMENT AND OPERATIONAL HQ'S	52,431	52,431
	SUBTOTAL OPERATING FORCES	**3,034,929**	**3,055,629**
	ADMIN & SRVWD ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	12,995	12,995
150	ADMINISTRATION	32,432	32,432
160	SERVICEWIDE COMMUNICATIONS	4,895	4,895
170	MANPOWER MANAGEMENT	16,074	16,074
180	RECRUITING AND ADVERTISING	60,683	60,683
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**127,079**	**127,079**
	UNDISTRIBUTED ADJUSTMENTS		
190	UNDISTRIBUTED ADJUSTMENTS		1,100
	Army Medical Evacuation Paramedic Certification Training		[5,000]
	Deny request of increase for technicians		[–3,900]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**1,100**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**3,162,008**	**3,183,808**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
10	MISSION AND OTHER FLIGHT OPERATIONS	616,776	616,776
20	INTERMEDIATE MAINTENANCE	15,076	15,076
30	AIR OPERATIONS AND SAFETY SUPPORT	1,479	1,479
40	AIRCRAFT DEPOT MAINTENANCE	107,251	107,251
50	AIRCRAFT DEPOT OPERATIONS SUPPORT	355	355
60	MISSION AND OTHER SHIP OPERATIONS	82,186	82,186
70	SHIP OPERATIONS SUPPORT & TRAINING	589	589
80	SHIP DEPOT MAINTENANCE	48,593	48,593
90	COMBAT COMMUNICATIONS	15,274	15,274
100	COMBAT SUPPORT FORCES	124,917	124,917
110	WEAPONS MAINTENANCE	1,978	1,978
120	ENTERPRISE INFORMATION	43,699	43,699
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	60,646	60,646
140	BASE OPERATING SUPPORT	105,227	105,227
	SUBTOTAL OPERATING FORCES	**1,224,046**	**1,224,046**
	ADMIN & SRVWD ACTIVITIES		
150	ADMINISTRATION	3,117	3,117
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	14,337	14,337
170	SERVICEWIDE COMMUNICATIONS	2,392	2,392
180	ACQUISITION AND PROGRAM MANAGEMENT	3,090	3,090
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**22,936**	**22,936**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**1,246,982**	**1,246,982**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
10	OPERATING FORCES	89,690	89,690
20	DEPOT MAINTENANCE	16,735	16,735
30	SUSTAINMENT, RESTORATION AND MODERNIZATION	37,913	37,913
40	BASE OPERATING SUPPORT	103,746	103,746
	SUBTOTAL OPERATING FORCES	**248,084**	**248,084**
	ADMIN & SRVWD ACTIVITIES		
50	SERVICEWIDE TRANSPORTATION	873	873
60	ADMINISTRATION	14,330	14,330
70	RECRUITING AND ADVERTISING	8,998	8,998
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**24,201**	**24,201**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**272,285**	**272,285**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
10	PRIMARY COMBAT FORCES	2,089,326	2,089,326
20	MISSION SUPPORT OPERATIONS	112,992	112,992
30	DEPOT MAINTENANCE	406,101	406,101
40	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	71,564	78,264
	Restoration and Modernization of Facilities		[6,700]
50	BASE SUPPORT	364,862	364,862
	SUBTOTAL OPERATING FORCES	**3,044,845**	**3,051,545**
	ADMIN & SRVWD ACTIVITIES		
60	ADMINISTRATION	78,824	78,824
70	RECRUITING AND ADVERTISING	16,020	16,020
80	MILITARY MANPOWER AND PERS MGMT (ARPC)	19,496	19,496
90	OTHER PERS SUPPORT (DISABILITY COMP)	6,489	6,489
100	AUDIOVISUAL	808	808
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**121,637**	**121,637**
	UNDISTRIBUTED ADJUSTMENTS		
110	UNDISTRIBUTED ADJUSTMENTS		161,617
	Retain Air Force Reserve Force Structure		[161,617]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**161,617**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**3,166,482**	**3,334,799**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
10	MANEUVER UNITS	680,206	680,206
20	MODULAR SUPPORT BRIGADES	186,408	186,408
30	ECHELONS ABOVE BRIGADE	865,628	865,628
40	THEATER LEVEL ASSETS	112,651	112,651
50	LAND FORCES OPERATIONS SUPPORT	36,091	36,091
60	AVIATION ASSETS	907,011	907,011
70	FORCE READINESS OPERATIONS SUPPORT	751,606	751,606
80	LAND FORCES SYSTEMS READINESS	60,043	60,043
90	LAND FORCES DEPOT MAINTENANCE	411,940	411,940
100	BASE OPERATIONS SUPPORT	995,423	995,423
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	688,189	737,589
	Restoration and Modernization of Facilities		[49,400]
120	MANAGEMENT AND OPERATIONAL HQ'S	953,716	953,716
	SUBTOTAL OPERATING FORCES	**6,648,912**	**6,698,312**
	ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION	11,806	11,806
140	REAL ESTATE MANAGEMENT	1,656	1,656
150	ADMINISTRATION	89,358	89,358
160	SERVICEWIDE COMMUNICATIONS	39,513	39,513
170	MANPOWER MANAGEMENT	7,224	7,224
180	RECRUITING AND ADVERTISING	310,143	310,143
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**459,700**	**459,700**
	UNDISTRIBUTED ADJUSTMENTS		
190	UNDISTRIBUTED ADJUSTMENTS		–79,700
	Army Medical Evacuation Paramedic Certification Training		[5,000]
	Deny request of increase for technicians		[–95,000]
	Retain Army National Guard Force Structure		[10,300]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–79,700**
	TOTAL OPERATION & MAINTENANCE, ARNG	**7,108,612**	**7,078,312**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
10	AIRCRAFT OPERATIONS	3,559,824	3,563,329
	Aerospace Control Alert		[3,505]
20	MISSION SUPPORT OPERATIONS	721,225	721,225
30	DEPOT MAINTENANCE	774,875	774,875
40	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	270,709	295,409
	Restoration and Modernization of Facilities		[24,700]
50	BASE SUPPORT	624,443	624,443
	SUBTOTAL OPERATING FORCES	**5,951,076**	**5,979,281**
	ADMIN & SRVWD ACTIVITIES		
60	ADMINISTRATION	32,358	32,358
70	RECRUITING AND ADVERTISING	32,021	32,021

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**64,379**	**64,379**
	UNDISTRIBUTED ADJUSTMENTS		
80	UNDISTRIBUTED ADJUSTMENTS		286,800
	Retain Air National Guard Force Structure		[286,800]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**286,800**
	TOTAL OPERATION & MAINTENANCE, ANG	**6,015,455**	**6,330,460**
	MISCELLANEOUS APPROPRIATIONS		
	MISCELLANEOUS APPROPRIATIONS		
20	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	108,759	108,759
30	COOPERATIVE THREAT REDUCTION	519,111	519,111
40	ACQ WORKFORCE DEV FD	274,198	274,198
50	ENVIRONMENTAL RESTORATION, ARMY	335,921	335,921
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**1,237,989**	**1,237,989**
	MISCELLANEOUS APPROPRIATIONS		
60	ENVIRONMENTAL RESTORATION, NAVY	310,594	310,594
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**310,594**	**310,594**
	MISCELLANEOUS APPROPRIATIONS		
70	ENVIRONMENTAL RESTORATION, AIR FORCE	529,263	529,263
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**529,263**	**529,263**
	MISCELLANEOUS APPROPRIATIONS		
10	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	13,516	13,516
80	ENVIRONMENTAL RESTORATION, DEFENSE	11,133	11,133
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**24,649**	**24,649**
	MISCELLANEOUS APPROPRIATIONS		
90	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	237,543	237,543
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**237,543**	**237,543**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**2,340,038**	**2,340,038**
	TOTAL OPERATION & MAINTENANCE	**174,938,933**	**175,082,230**

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 2013 Request	House Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
40	THEATER LEVEL ASSETS	2,758,162	2,758,162
50	LAND FORCES OPERATIONS SUPPORT	991,396	991,396
60	AVIATION ASSETS	40,300	40,300
70	FORCE READINESS OPERATIONS SUPPORT	1,755,445	1,755,445
80	LAND FORCES SYSTEMS READINESS	307,244	307,244
100	BASE OPERATIONS SUPPORT	393,165	393,165
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	250,000	250,000
140	ADDITIONAL ACTIVITIES	12,524,137	12,395,137
	Reduction to Task Force for Business and Stability Operations		[–129,000]
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	400,000	200,000
	Historical underexecution		[–200,000]
160	RESET	3,687,973	3,437,973
	Unexecutable depot-level maintenance		[–250,000]
	SUBTOTAL OPERATING FORCES	**23,107,822**	**22,528,822**
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	3,238,310	3,238,310
360	CENTRAL SUPPLY ACTIVITIES	129,000	129,000
380	AMMUNITION MANAGEMENT	78,022	78,022
420	OTHER PERSONNEL SUPPORT	137,277	137,277
430	OTHER SERVICE SUPPORT	72,293	72,293
490	CLASSIFIED PROGRAMS	1,828,717	1,828,717
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**5,483,619**	**5,483,619**
	UNDISTRIBUTED ADJUSTMENTS		
500	UNDISTRIBUTED ADJUSTMENTS		–179,700
	Historical unobligated balances		[–179,700]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–179,700**
	TOTAL OPERATION & MAINTENANCE, ARMY	**28,591,441**	**27,832,741**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
10	MISSION AND OTHER FLIGHT OPERATIONS	937,098	937,098
30	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,000	1,000
40	AIR OPERATIONS AND SAFETY SUPPORT	15,794	15,794
50	AIR SYSTEMS SUPPORT	19,013	19,013
60	AIRCRAFT DEPOT MAINTENANCE	201,912	201,912
70	AIRCRAFT DEPOT OPERATIONS SUPPORT	3,000	3,000
80	AVIATION LOGISTICS	44,150	44,150
90	MISSION AND OTHER SHIP OPERATIONS	463,738	463,738
100	SHIP OPERATIONS SUPPORT & TRAINING	24,774	24,774
110	SHIP DEPOT MAINTENANCE	1,310,010	1,310,010

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
130	COMBAT COMMUNICATIONS	42,965	42,965
160	WARFARE TACTICS	25,970	25,970
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	19,226	19,226
180	COMBAT SUPPORT FORCES	1,668,359	1,668,359
190	EQUIPMENT MAINTENANCE	7,954	7,954
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	94,655	94,655
260	WEAPONS MAINTENANCE	303,087	303,087
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	3,218	3,218
300	BASE OPERATING SUPPORT	143,442	143,442
	SUBTOTAL OPERATING FORCES	**5,329,365**	**5,329,365**
	MOBILIZATION		
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	31,395	31,395
360	COAST GUARD SUPPORT	254,461	254,461
	SUBTOTAL MOBILIZATION	**285,856**	**285,856**
	TRAINING AND RECRUITING		
400	SPECIALIZED SKILL TRAINING	50,903	50,903
	SUBTOTAL TRAINING AND RECRUITING	**50,903**	**50,903**
	ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	1,377	1,377
490	EXTERNAL RELATIONS	487	487
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	6,022	6,022
520	OTHER PERSONNEL SUPPORT	3,514	3,514
550	SERVICEWIDE TRANSPORTATION	184,864	184,864
580	ACQUISITION AND PROGRAM MANAGEMENT	2,026	2,026
620	NAVAL INVESTIGATIVE SERVICE	1,425	1,425
710	CLASSIFIED PROGRAMS	14,556	14,556
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**214,271**	**214,271**
	UNDISTRIBUTED ADJUSTMENTS		
720	UNDISTRIBUTED ADJUSTMENTS		–22,100
	Historical unobligated balances		[–22,100]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–22,100**
	TOTAL OPERATION & MAINTENANCE, NAVY	**5,880,395**	**5,858,295**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
10	OPERATIONAL FORCES	1,921,258	1,921,258
20	FIELD LOGISTICS	1,094,028	1,094,028
30	DEPOT MAINTENANCE	222,824	222,824
60	BASE OPERATING SUPPORT	88,690	88,690
	SUBTOTAL OPERATING FORCES	**3,326,800**	**3,326,800**
	TRAINING AND RECRUITING		
110	TRAINING SUPPORT	215,212	215,212
	SUBTOTAL TRAINING AND RECRUITING	**215,212**	**215,212**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	512,627	512,627
190	CLASSIFIED PROGRAMS	11,701	11,701
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**524,328**	**524,328**
	UNDISTRIBUTED ADJUSTMENTS		
200	UNDISTRIBUTED ADJUSTMENTS		–15,600
	Historical unobligated balances		[–15,600]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–15,600**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**4,066,340**	**4,050,740**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
10	PRIMARY COMBAT FORCES	1,494,144	1,494,144
20	COMBAT ENHANCEMENT FORCES	809,531	809,531
30	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	13,095	13,095
40	DEPOT MAINTENANCE	1,403,238	1,403,238
50	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	155,954	155,954
60	BASE SUPPORT	342,226	342,226
70	GLOBAL C3I AND EARLY WARNING	15,108	15,108
80	OTHER COMBAT OPS SPT PROGRAMS	271,390	271,390
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	25,400	25,400
120	SPACE CONTROL SYSTEMS	5,110	5,110
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	52,173	52,173
	SUBTOTAL OPERATING FORCES	**4,587,369**	**4,587,369**
	MOBILIZATION		
150	AIRLIFT OPERATIONS	3,187,211	3,187,211
160	MOBILIZATION PREPAREDNESS	43,509	43,509
170	DEPOT MAINTENANCE	554,943	554,943
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	4,431	4,431
190	BASE SUPPORT	9,256	9,256
	SUBTOTAL MOBILIZATION	**3,799,350**	**3,799,350**
	TRAINING AND RECRUITING		
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	424	424
240	BASE SUPPORT	1,036	1,036
250	SPECIALIZED SKILL TRAINING	10,923	10,923
260	FLIGHT TRAINING	72	72
270	PROFESSIONAL DEVELOPMENT EDUCATION	323	323
280	TRAINING SUPPORT	352	352
	SUBTOTAL TRAINING AND RECRUITING	**13,130**	**13,130**
	ADMIN & SRVWD ACTIVITIES		
360	LOGISTICS OPERATIONS	100,429	100,429
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	47,200	47,200
400	BASE SUPPORT	7,242	7,242
410	ADMINISTRATION	1,552	1,552
420	SERVICEWIDE COMMUNICATIONS	82,094	82,094
430	OTHER SERVICEWIDE ACTIVITIES	582,977	582,977
480	CLASSIFIED PROGRAMS	20,270	20,270
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**841,764**	**841,764**
	UNDISTRIBUTED ADJUSTMENTS		
490	UNDISTRIBUTED ADJUSTMENTS		–34,700
	Historical unobligated balances		[–34,700]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–34,700**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**9,241,613**	**9,206,913**
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
10	JOINT CHIEFS OF STAFF	2,000	2,000
20	SPECIAL OPERATIONS COMMAND	2,503,060	2,503,060
	SUBTOTAL OPERATING FORCES	**2,505,060**	**2,505,060**
	ADMIN & SRVWD ACTIVITIES		
80	DEFENSE CONTRACT AUDIT AGENCY	30,674	30,674
90	DEFENSE CONTRACT MANAGEMENT AGENCY	69,803	69,803
110	DEFENSE HUMAN RESOURCES ACTIVITY	3,334	3,334
120	DEFENSE INFORMATION SYSTEMS AGENCY	152,925	152,925
140	DEFENSE LEGAL SERVICES AGENCY	102,322	102,322
160	DEFENSE MEDIA ACTIVITY	10,823	10,823
180	DEFENSE SECURITY COOPERATION AGENCY	2,200,000	1,550,000

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	Program Decrease—Coalition Support Funds		[–650,000]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	139,830	139,830
260	OFFICE OF THE SECRETARY OF DEFENSE	87,805	87,805
280	CLASSIFIED PROGRAMS	2,522,003	2,522,003
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**5,319,519**	**4,669,519**
	UNDISTRIBUTED ADJUSTMENTS		
290	UNDISTRIBUTED ADJUSTMENTS		–29,300
	Historical unobligated balances		[–29,300]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–29,300**
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	**7,824,579**	**7,145,279**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
30	ECHELONS ABOVE BRIGADE	78,600	78,600
50	LAND FORCES OPERATIONS SUPPORT	20,811	20,811
70	FORCE READINESS OPERATIONS SUPPORT	20,726	20,726
100	BASE OPERATIONS SUPPORT	34,400	34,400
	SUBTOTAL OPERATING FORCES	**154,537**	**154,537**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**154,537**	**154,537**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
10	MISSION AND OTHER FLIGHT OPERATIONS	24,834	24,834
20	INTERMEDIATE MAINTENANCE	300	300
40	AIRCRAFT DEPOT MAINTENANCE	13,364	13,364
60	MISSION AND OTHER SHIP OPERATIONS	8,213	8,213
80	SHIP DEPOT MAINTENANCE	929	929
100	COMBAT SUPPORT FORCES	8,244	8,244
140	BASE OPERATING SUPPORT	40	40
	SUBTOTAL OPERATING FORCES	**55,924**	**55,924**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**55,924**	**55,924**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
10	OPERATING FORCES	22,657	22,657
40	BASE OPERATING SUPPORT	2,820	2,820
	SUBTOTAL OPERATING FORCES	**25,477**	**25,477**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**25,477**	**25,477**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
10	PRIMARY COMBAT FORCES	7,600	7,600
30	DEPOT MAINTENANCE	106,768	106,768
50	BASE SUPPORT	6,250	6,250
	SUBTOTAL OPERATING FORCES	**120,618**	**120,618**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**120,618**	**120,618**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
10	MANEUVER UNITS	38,485	38,485
20	MODULAR SUPPORT BRIGADES	1,959	1,959
30	ECHELONS ABOVE BRIGADE	20,076	20,076
40	THEATER LEVEL ASSETS	2,028	2,028
60	AVIATION ASSETS	183,811	183,811
70	FORCE READINESS OPERATIONS SUPPORT	43,780	43,780
100	BASE OPERATIONS SUPPORT	70,237	70,237
120	MANAGEMENT AND OPERATIONAL HQ'S	20,072	20,072
	SUBTOTAL OPERATING FORCES	**380,448**	**380,448**
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE COMMUNICATIONS	2,000	2,000
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**2,000**	**2,000**
	TOTAL OPERATION & MAINTENANCE, ARNG	**382,448**	**382,448**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
20	MISSION SUPPORT OPERATIONS	19,975	19,975
	SUBTOTAL OPERATING FORCES	**19,975**	**19,975**
	TOTAL OPERATION & MAINTENANCE, ANG	**19,975**	**19,975**
	AFGHANISTAN SECURITY FORCES FUND		
	MINISTRY OF DEFENSE		
10	SUSTAINMENT	2,523,825	2,523,825
20	INFRASTRUCTURE	190,000	190,000
30	EQUIPMENT AND TRANSPORTATION	241,521	241,521
40	TRAINING AND OPERATIONS	758,380	758,380
	SUBTOTAL MINISTRY OF DEFENSE	**3,713,726**	**3,713,726**
	MINISTRY OF INTERIOR		
50	SUSTAINMENT	1,305,950	1,305,950
60	INFRASTRUCTURE	50,000	50,000
70	EQUIPMENT AND TRANSPORTATION	84,859	84,859
80	TRAINING AND OPERATIONS	569,868	569,868
	SUBTOTAL MINISTRY OF INTERIOR	**2,010,677**	**2,010,677**
	RELATED ACTIVITIES		
90	SUSTAINMENT	18,325	18,325
100	INFRASTRUCTUE	1,200	1,200
110	EQUIPMENT & TRANSPORTATION	1,239	1,239
120	TRAINING AND OPERATIONS	4,000	4,000
	SUBTOTAL RELATED ACTIVITIES	**24,764**	**24,764**
	TOTAL AFGHANISTAN SECURITY FORCES FUND	**5,749,167**	**5,749,167**
	AFGHANISTAN INFRASTRUCTURE FUND		
	AFGHANISTAN INFRASTRUCTURE FUND		
10	POWER	400,000	375,000
	Program Decrease		[–25,000]
	SUBTOTAL AFGHANISTAN INFRASTRUCTURE FUND	**400,000**	**375,000**
	TOTAL AFGHANISTAN INFRASTRUCTURE FUND	**400,000**	**375,000**
	TOTAL OPERATION & MAINTENANCE	**62,512,514**	**60,977,114**

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2013 Request	House Authorized
MILITARY PERSONNEL	**135,111,799**	**135,726,855**
Army medical evacuation paramedic certification training		2,000
Basic allowance for housing for members of the National Guard (Section 603)		6,000
Non-medical attendant travel (Section 621)		2,000
Reserve Components administrative absence (Section 604)		2,000
Restore accrual payments to the Medicare eligible health care trust fund		672,000
Retain 128 Air National Guard AGRs for two air sovereignty alert locations		8,300
Retain Air Force Force Structure		30,000
Retain Air Force Reserve Force Structure		20,000
Retain Air National Guard Force Structure		70,826
Retain Global Hawk		22,200
Unobligated balances		[–352,000]
USMC military personnel in lieu of LAV funding		131,730

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2013 Request	House Authorized
MILITARY PERSONNEL	**14,060,094**	**14,060,094**

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Item	FY 2013 Request	House Authorized
WORKING CAPITAL FUND, ARMY		
PREPOSITIONED WAR RESERVE STOCKS	60,037	60,037
TOTAL WORKING CAPITAL FUND, ARMY	**60,037**	**60,037**
WORKING CAPITAL FUND, AIR FORCE		
SUPPLIES AND MATERIALS (MEDICAL/DENTAL)	45,452	45,452
TOTAL WORKING CAPITAL FUND, AIR FORCE	**45,452**	**45,452**
WORKING CAPITAL FUND, DEFENSE-WIDE		
DEFENSE LOGISTICS AGENCY (DLA)	39,135	39,135
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**39,135**	**39,135**
WORKING CAPITAL FUND, DECA		
WORKING CAPITAL FUND, DECA	1,371,560	1,371,560
TOTAL WORKING CAPITAL FUND, DECA	**1,371,560**	**1,371,560**
NATIONAL DEFENSE SEALIFT FUND		
MPF MLP	38,000	38,000
POST DELIVERY AND OUTFITTING	39,386	39,386
LG MED SPD RO/RO MAINTENANCE	128,819	128,819
DOD MOBILIZATION ALTERATIONS	26,598	26,598
TAH MAINTENANCE	29,199	29,199
RESEARCH AND DEVELOPMENT	42,811	42,811
READY RESERVE FORCE	303,323	303,323
TOTAL NATIONAL DEFENSE SEALIFT FUND	**608,136**	**608,136**
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	8,625,507	8,625,507
PRIVATE SECTOR CARE	16,148,263	16,148,263
CONSOLIDATED HEALTH SUPPORT	2,309,185	2,309,185
INFORMATION MANAGEMENT	1,465,328	1,465,328
MANAGEMENT ACTIVITIES	332,121	332,121
EDUCATION AND TRAINING	722,081	722,081
BASE OPERATIONS/COMMUNICATIONS	1,746,794	1,746,794

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Item	FY 2013 Request	House Authorized
UNDISTRIBUTED, OPERATION & MAINTENANCE		281,900
Foreign currency flucuation		[–5,100]
Overfunding in electronic health record		[–30,000]
Restore estimated savings in TRICARE Prime and Standard enrollment fees and deductibles for TRICARE Standard		[273,000]
Restore pharmacy co-pay estimated savings		[179,000]
TRICARE rate adjustments		[90,000]
Unobligated balances		[–225,000]
RDT&E	672,977	672,977
PROCUREMENT	506,462	454,462
Overfunding in electronic health record		[–52,000]
TOTAL DEFENSE HEALTH PROGRAM	**32,528,718**	**32,758,618**
CHEM AGENTS & MUNITIONS DESTRUCTION		
OPERATION & MAINTENANCE	635,843	635,843
RDT&E	647,351	647,351
PROCUREMENT	18,592	18,592
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	**1,301,786**	**1,301,786**
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	889,545	889,545
DRUG DEMAND REDUCTION PROGRAM	109,818	109,818
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**999,363**	**999,363**
OFFICE OF THE INSPECTOR GENERAL		
OPERATION & MAINTENANCE	272,821	272,821
PROCUREMENT	1,000	1,000
TOTAL OFFICE OF THE INSPECTOR GENERAL	**273,821**	**273,821**
CEMETERIAL EXPENSES, ARMY		
OPERATION & MAINTENANCE	41,000	41,000
CONSTRUCTION	4,800	4,800
FACILITIES MAINTENANCE		25,000
Realignment from Operation and Maintenance, Army		[25,000]
TOTAL CEMETERIAL EXPENSES, ARMY	**45,800**	**70,800**
TOTAL OTHER AUTHORIZATIONS	**37,273,808**	**37,528,708**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2013 Request	House Authorized
WORKING CAPITAL FUND, ARMY		
PREPOSITIONED WAR RESERVE STOCKS	42,600	42,600
TOTAL WORKING CAPITAL FUND, ARMY	**42,600**	**42,600**
WORKING CAPITAL FUND, AIR FORCE		
C–17 CLS ENGINE REPAIR	230,400	230,400
TRANSPORTATION FALLEN HEROES	10,000	10,000
TOTAL WORKING CAPITAL FUND, AIR FORCE	**240,400**	**240,400**
WORKING CAPITAL FUND, DEFENSE-WIDE		
DEFENSE LOGISTICS AGENCY (DLA)	220,364	220,364
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**220,364**	**220,364**
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	483,326	483,326
PRIVATE SECTOR CARE	376,982	376,982
CONSOLIDATED HEALTH SUPPORT	111,675	111,675
INFORMATION MANAGEMENT	4,773	4,773
MANAGEMENT ACTIVITIES	660	660
EDUCATION AND TRAINING	15,370	15,370
BASE OPERATIONS/COMMUNICATIONS	1,112	1,112

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2013 Request	House Authorized
TOTAL DEFENSE HEALTH PROGRAM	**993,898**	**993,898**
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DEFENSEWIDE ACTIVITIES	469,025	469,025
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**469,025**	**469,025**
OFFICE OF THE INSPECTOR GENERAL		
OPERATION & MAINTENANCE	10,766	10,766
TOTAL OFFICE OF THE INSPECTOR GENERAL	**10,766**	**10,766**
TOTAL OTHER AUTHORIZATIONS	**1,977,053**	**1,977,053**

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
	Alaska			
Army	Fort Wainwright	Modified Record Fire Range	10,400	10,400
Army	Joint Base Elmendorf-Richardson	Modified Record Fire Range	7,900	7,900
	California			
Army	Concord	Engineering/Housing Maintenance Shop	3,100	3,100
Army	Concord	Lightning Protection System	5,800	5,800
	Colorado			
Army	Fort Carson	Central Energy Plant	0	0
Army	Fort Carson, Colorado	Digital Multipurpose Training Range	18,000	18,000
	District of Columbia			
Army	Fort Mcnair	Vehicle Storage Building, Installation	7,200	7,200
	Georgia			
Army	Fort Benning	Ground Source Heat Transfer System	16,000	16,000
Army	Fort Gordon	Ground Source Heat Transfer System	12,200	12,200
Army	Fort Gordon	Modified Record Fire Range	4,000	4,000
Army	Fort Gordon	Multipurpose Machine Gun Range	7,100	7,100
Army	Fort Stewart, Georgia	Automated Combat Pistol Qual Crse	3,650	3,650
Army	Fort Stewart, Georgia	Digital Multipurpose Training Range	22,000	22,000
Army	Fort Stewart, Georgia	Unmanned Aerial Vehicle Complex	24,000	24,000
	Hawaii			
Army	Pohakuloa Training Area	Automated Infantry Platoon Battle Course	29,000	29,000
Army	Schofield Barracks	Barracks	55,000	55,000
Army	Schofield Barracks	Barracks	41,000	41,000
Army	Wheeler Army Air Field	Combat Aviation Brigade Barracks	85,000	85,000
	Italy			
Army	Camp Ederle	Barracks	36,000	36,000
Army	Vicenza	Simulations Center	32,000	32,000
	Japan			
Army	Okinawa	Satellite Communications Facility	78,000	78,000
Army	Sagami	Vehicle Maintenance Shop	18,000	18,000
	Kansas			
Army	Fort Riley, Kansas	Unmanned Aerial Vehicle Complex	12,200	12,200
	Kentucky			
Army	Fort Campbell, Kentucky	Battalion Headquarters Complex	55,000	55,000
Army	Fort Campbell, Kentucky	Live Fire Exercise Shoothouse	3,800	3,800
Army	Fort Campbell, Kentucky	Unmanned Aerial Vehicle Complex	23,000	23,000
Army	Fort Knox	Automated Infantry Squad Battle Course	6,000	6,000
	Korea			
Army	Camp Humphreys	Battalion Headquarters Complex	45,000	45,000
	Kwajalein Atoll			
Army	Kwajalein Atoll	Pier	0	0
	Missouri			
Army	Fort Leonard Wood	Battalion Complex Facilities	26,000	26,000
Army	Fort Leonard Wood	Trainee Barracks Complex 3, Ph 2	58,000	58,000
Army	Fort Leonard Wood	Vehicle Maintenance Shop	39,000	39,000
	New Jersey			
Army	Joint Base Mcguire-Dix-Lakehurst	Flight Equipment Complex	47,000	47,000
Army	Picatinny Arsenal	Ballistic Evaluation Center	10,200	10,200
	New York			
Army	Fort Drum, New York	Aircraft Maintenance Hangar	95,000	95,000
Army	U.S. Military Academy	Cadet Barracks	192,000	192,000
	North Carolina			
Army	Fort Bragg	Aerial Gunnery Range	42,000	42,000
Army	Fort Bragg	Infrastructure	30,000	30,000
Army	Fort Bragg	Unmanned Aerial Vehicle Complex	26,000	26,000
	Oklahoma			
Army	Fort Sill	Modified Record Fire Range	4,900	4,900
	South Carolina			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
Army	Fort Jackson	Trainee Barracks Complex 2, Ph 2	24,000	24,000
	Texas			
Army	Corpus Christi	Aircraft Component Maintenance Shop	13,200	13,200
Army	Corpus Christi	Aircraft Paint Shop	24,000	24,000
Army	Fort Bliss	Multipurpose Machine Gun Range	7,200	7,200
Army	Fort Hood, Texas	Modified Record Fire Range	4,200	4,200
Army	Fort Hood, Texas	Training Aids Center	25,000	25,000
Army	Fort Hood, Texas	Unmanned Aerial Vehicle Complex	22,000	22,000
Army	Joint Base San Antonio	Barracks	21,000	21,000
	Virginia			
Army	Arlington	Cemetery Expansion Millennium Site	84,000	84,000
Army	Fort Belvoir	Secure Admin/Operations Facility	94,000	94,000
Army	Fort Lee	Adv Individual Training Barracks Cplx, Ph2	81,000	81,000
	Washington			
Army	Joint Base Lewis-Mcchord	Battalion Complex	73,000	73,000
Army	Joint Base Lewis-Mcchord	Waste Water Treatment Plant	91,000	91,000
Army	Yakima	Convoy Live Fire Range	5,100	5,100
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Host Nation Support Fy 13	34,000	34,000
Army	Unspecified Worldwide Locations	Minor Construction Fy 13	25,000	25,000
Army	Unspecified Worldwide Locations	Planning and Design Fy13	65,173	65,173
Total Military Construction, Army			**1,923,323**	**1,923,323**
	Arizona			
Navy	Yuma	Combat Aircraft Loading Apron	15,985	15,985
Navy	Yuma	Security Operations Complex	13,300	13,300
	Bahrain Island			
Navy	Sw Asia	Combined Dining Facility	9,819	0
Navy	Sw Asia	Transient Quarters	41,529	0
	California			
Navy	Camp Pendleton, California	Comm. Information Systems Ops Complex	78,897	78,897
Navy	Camp Pendleton, California	Mv22 Aviation Simulator Building	4,139	4,139
Navy	Camp Pendleton, California	San Jacinto Road Extension	5,074	5,074
Navy	Coronado	Bachelor Quarters	76,063	76,063
Navy	Coronado	H–60s Simulator Training Facility	2,478	2,478
Navy	Lemoore	Bams Maintenance Training Facility	14,843	0
Navy	Miramar	Hangar 5 Renovations & Addition	27,897	27,897
Navy	Point Mugu	Bams Maintenance Training Facility	0	12,790
Navy	San Diego	Entry Control Point (Gate Five)	11,752	11,752
Navy	San Diego	Lcs Training Facility	59,436	59,436
Navy	Seal Beach	Strategic Systems Weapons Eval. Test Lab	30,594	30,594
Navy	Twentynine Palms, California	Land Expansion Phase 2	47,270	47,270
	Diego Garcia			
Navy	Diego Garcia	Communications Infrastructure	1,691	1,691
	Djibouti			
Navy	Camp Lemonier, Djibouti	Containerized Living and Work Units	7,510	0
Navy	Camp Lemonier, Djibouti	Fitness Center	26,960	0
Navy	Camp Lemonier, Djibouti	Galley Addition and Warehouse	22,220	0
Navy	Camp Lemonier, Djibouti	Joint HQ/Joint Operations Center Facility	42,730	0
	Florida			
Navy	Jacksonville	Bams Mission Control Complex	21,980	21,980
	Greece			
Navy	Souda Bay	Aircraft Parking Apron Expansion	20,493	20,493
Navy	Souda Bay	Intermodal Access Road	4,630	4,630
	Guam			
Navy	Joint Region Marianas	North Ramp Parking (Andersen AFB)—Inc 2	25,904	25,904
	Hawaii			
Navy	Kaneohe Bay	Aircraft Staging Area	14,680	14,680
Navy	Kaneohe Bay	Mv–22 Hangar and Infrastructure	82,630	82,630
	Japan			
Navy	Iwakuni	Maintenance Hangar Improvements	5,722	5,722
Navy	Iwakuni	Vertical Take-Off and Landing Pad North	7,416	7,416
Navy	Okinawa	Bachelor Quarters	8,206	8,206
	Mississippi			
Navy	Meridian	Dining Facility	10,926	10,926
	New Jersey			
Navy	Earle	Combat System Engineering Building Addition	33,498	33,498
	North Carolina			
Navy	Camp Lejeune, North Carolina	Base Access and Road—Phase 3	40,904	40,904
Navy	Camp Lejeune, North Carolina	Staff Nco Academy Facilities	28,986	28,986
Navy	Cherry Point Marine Corps Air Station	Armory	11,581	11,581
Navy	Cherry Point Marine Corps Air Station	Marine Air Support Squadron Compound	34,310	34,310
Navy	New River	Personnel Administration Center	8,525	8,525
	Romania			
Navy	Deveselu, Romania	Aegis Ashore Missile Defense Complex	45,205	45,205
	South Carolina			
Navy	Beaufort	Aircraft Maintenance Hangar	42,010	42,010
Navy	Beaufort	Airfield Security Upgrades	13,675	13,675
Navy	Beaufort	Ground Support Equipment Shop	9,465	9,465
Navy	Beaufort	Recycling/Hazardous Waste Facility	3,743	3,743
Navy	Beaufort	Simulated Lhd Flight Deck	12,887	12,887
Navy	Parris Island	Front Gate Atfp Improvements	10,135	10,135

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
	Spain			
Navy	Rota	General Purpose Warehouse	3,378	3,378
Navy	Rota	High Explosive Magazine	13,837	13,837
	Virginia			
Navy	Dahlgren	Cruiser/Destroyer Upgrade Training Facility	16,494	16,494
Navy	Dahlgren	Physical Fitness Center	11,734	11,734
Navy	Oceana Naval Air Station	A School Barracks	39,086	39,086
Navy	Portsmouth	Drydock 8 Electrical Distribution Upgrade	32,706	32,706
Navy	Quantico	Infrastruture—Widen Russell Road	14,826	14,826
Navy	Quantico	The Basic School Student Quarters—Phase 7	31,012	31,012
Navy	Quantico	Weapons Training Battalion Mess Hall	12,876	12,876
Navy	Yorktown	Armory	4,259	4,259
Navy	Yorktown	Bachelor Enlisted Quarters	18,422	18,422
Navy	Yorktown	Motor Transportation Facility	6,188	6,188
Navy	Yorktown	Regimental Headquarters	11,015	11,015
Navy	Yorktown	Supply Warehouse Facility	8,939	8,939
	Washington			
Navy	Kitsap	Explosives Handling Wharf #2 (Inc)	280,041	280,041
Navy	Whidbey Island	Ea–18g Flight Simulator Facility	6,272	6,272
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Mcon Design Funds	102,619	102,619
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	16,535	16,535
Navy	Various Worldwide Locations	Bams Operational Facilities	34,048	34,048
Total Military Construction, Navy			**1,701,985**	**1,549,164**
	Arkansas			
AF	Little Rock AFB	C–130J Flight Simulator Addition	4,178	4,178
AF	Little Rock AFB	C–130J Fuel Systems Maintenance Hangar	26,000	26,000
	Florida			
AF	Tyndall AFB	F–22 Adal Hangar for Low Observable/Composite	14,750	14,750
	Georgia			
AF	Fort Stewart, Georgia	Air Support Operations Center (ASOC)	7,250	7,250
AF	Moody AFB	HC–130J Simulator Facility	8,500	8,500
	Greenland			
AF	Thule Ab	Consolidated Engineer Shop and Supply Facility	0	0
AF	Thule Ab	Dormitory (48 Pn)	24,500	24,500
	Guam			
AF	Andersen AFB	Fuel Systems Hangar	0	0
	Italy			
AF	Aviano Ab	F–16 Mission Training Center	9,400	9,400
	Nebraska			
AF	Offutt AFB	US STRATCOM Replacement Facility, Incr 2	161,000	161,000
	New Mexico			
AF	Holloman AFB	Mq–9 Maintenance Hangar	25,000	25,000
	North Dakota			
AF	Minot AFB	B–52 Add/Alter Munitions Age Facility	4,600	4,600
	Texas			
AF	Joint Base San Antonio	Dormitory (144 Rm)	18,000	18,000
	Utah			
AF	Hill AFB	F–35 Adal Building 118 for Flight Simulator	4,000	4,000
AF	Hill AFB	F–35 Adal Hangar 45w/AMU	7,250	7,250
AF	Hill AFB	F–35 Modular Storage Magazines	2,280	2,280
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	Planning and Design	18,635	18,635
AF	Unspecified Worldwide Locations	Sanitary Sewer Lift/Pump Station	2,000	2,000
AF	Unspecified Worldwide Locations	Transient Aircraft Hangars	15,032	15,032
AF	Unspecified Worldwide Locations	Transient Contingency Dormitory—100 Rm	17,625	17,625
AF	Various Worldwide Locations	Unspecified Minor Construction	18,200	18,200
Total Military Construction, Air Force			**388,200**	**388,200**
	Arizona			
Def-Wide	Yuma	Truck Unload Facility	1,300	1,300
	Belgium			
Def-Wide	Brussels	NATO Headquarters Facility	26,969	26,969
	California			
Def-Wide	Coronado	SOF Close Quarters Combat/Dynamic Shoot Fac	13,969	13,969
Def-Wide	Coronado	SOF Indoor Dynamic Shooting Facility	31,170	31,170
Def-Wide	Coronado	SOF Mobile Comm Detachment Support Facility	10,120	10,120
Def-Wide	Def Fuel Support Point—San Diego	Replace Fuel Pier	91,563	91,563
Def-Wide	Edwards Air Force Base	Replace Fuel Storage	27,500	27,500
Def-Wide	Twentynine Palms, California	Medical Clinic Replacement	27,400	27,400
	Colorado			
Def-Wide	Buckley Air Force Base	Denver Power House	30,000	30,000
Def-Wide	Fort Carson, Colorado	SOF Battalion Operations Complex	56,673	56,673
Def-Wide	Pikes Peak	High Altitude Medical Research Lab	3,600	3,600
	Conus Classified			
Def-Wide	Classified Location	SOF Parachute Training Facility	6,477	6,477
	Delaware			
Def-Wide	Dover AFB	Replace Truck Off-Load Facility	2,000	2,000
	Florida			
Def-Wide	Eglin AFB	SOF Avfid Ops and Maintenance Facilities	41,695	41,695

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
Def-Wide	Hurlburt Field	Construct Fuel Storage Facility	16,000	16,000
Def-Wide	Macdill AFB	SOF Joint Special Ops University Fac (Jsou)	34,409	34,409
	Germany			
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Incr 2	127,000	127,000
Def-Wide	Stuttgart-Patch Barracks	DISA Europe Facility Upgrades	2,413	2,413
Def-Wide	Vogelweh	Replace Vogelweh Elementary School	61,415	61,415
Def-Wide	Weisbaden	Weisbaden High School Addition	52,178	52,178
	Guam			
Def-Wide	Andersen AFB	Upgrade Fuel Pipeline	67,500	67,500
	Guantanamo Bay, Cuba			
Def-Wide	Guantanamo Bay	Replace Fuel Pier	37,600	37,600
Def-Wide	Guantanamo Bay	Replace Truck Load Facility	2,600	2,600
	Hawaii			
Def-Wide	Joint Base Pearl Harbor-Hickam	SOF Sdvt–1 Waterfront Operations Facility	24,289	24,289
	Illinois			
Def-Wide	Great Lakes	Drug Laboratory Replacement	28,700	28,700
Def-Wide	Scott AFB	DISA Facility Upgrades	84,111	84,111
Def-Wide	Scott AFB	Medical Logistics Warehouse	2,600	2,600
	Indiana			
Def-Wide	Grissom ARB	Replace Hydrant Fuel System	26,800	26,800
	Japan			
Def-Wide	Camp Zama	Renovate Zama High School	13,273	13,273
Def-Wide	Kadena Ab	Replace Elementary School	71,772	71,772
Def-Wide	Kadena Ab	Replace Stearley Heights Elementary School	71,773	71,773
Def-Wide	Sasebo	Replace Sasebo Elementary School	35,733	35,733
Def-Wide	Zukeran	Replace Zukeran Elementary School	79,036	79,036
	Kentucky			
Def-Wide	Fort Campbell, Kentucky	Replace Barkley Elementary School	41,767	41,767
Def-Wide	Fort Campbell, Kentucky	SOF Ground Support Battalion	26,313	26,313
Def-Wide	Fort Campbell, Kentucky	SOF Landgraf Hangar Extension	3,559	3,559
	Korea			
Def-Wide	Kunsan Air Base	Medical/Dental Clinic Addition	13,000	13,000
Def-Wide	Osan AFB	Hospital Addition/Alteration	34,600	34,600
Def-Wide	Osan AFB	Replace Osan Elementary School	42,692	42,692
	Louisiana			
Def-Wide	Barksdale AFB	Upgrade Pumphouse	11,700	11,700
	Maryland			
Def-Wide	Annapolis	Health Clinic Replacement	66,500	66,500
Def-Wide	Bethesda Naval Hospital	Base Installation Access./Appearance Plan	7,000	7,000
Def-Wide	Bethesda Naval Hospital	Electrical Capacity and Cooling Towers	35,600	35,600
Def-Wide	Bethesda Naval Hospital	Temporary Medical Facilities	26,600	26,600
Def-Wide	Fort Detrick	USAMRIID Stage I, Incr 7	19,000	19,000
Def-Wide	Fort Meade	High Performance Computing Center Inc 2	300,521	300,521
Def-Wide	Fort Meade	NSAW Recapitalize Building #1/Site M Inc 1	25,000	25,000
	Missouri			
Def-Wide	Fort Leonard Wood	Dental Clinic	18,100	18,100
	New Mexico			
Def-Wide	Cannon AFB	Medical/Dental Clinic Repalcement	71,023	71,023
Def-Wide	Cannon AFB	SOF Ac–130J Combat Parking Apron	22,062	22,062
	New York			
Def-Wide	Fort Drum, New York	Idt Complex	25,900	25,900
Def-Wide	Fort Drum, New York	Soldier Specialty Care Clinic	17,300	17,300
	North Carolina			
Def-Wide	Camp Lejeune, North Carolina	Medical Clinic Replacement	21,200	21,200
Def-Wide	Camp Lejeune, North Carolina	SOF Marine Battalion Company/Team Facilities	53,399	53,399
Def-Wide	Camp Lejeune, North Carolina	SOF Survival Evasion Resist. Escape Tng Fac	5,465	5,465
Def-Wide	Fort Bragg	SOF Battalion Operations Facility	40,481	40,481
Def-Wide	Fort Bragg	SOF Civil Affairs Battalion Complex	31,373	31,373
Def-Wide	Fort Bragg	SOF Support Addition	3,875	3,875
Def-Wide	Fort Bragg	SOF Sustainment Brigade Complex	24,693	24,693
Def-Wide	Seymour Johnson AFB	Medical Clinic Replacement	53,600	53,600
Def-Wide	Seymour Johnson AFB	Replace Pipeline	1,850	1,850
	Pennsylvania			
Def-Wide	Def Distribution Depot New Cumberland	Replace Communications Building	6,800	6,800
Def-Wide	Def Distribution Depot New Cumberland	Replace Reservoir	4,300	4,300
Def-Wide	Def Distribution Depot New Cumberland	Replace Sewage Treatment Plant	6,300	6,300
	Romania			
Def-Wide	Deveselu, Romania	Aegis Ashore Missile Defense System Complex	157,900	82,900
	South Carolina			
Def-Wide	Shaw AFB	Medical Clinic Replacement	57,200	57,200
	Texas			
Def-Wide	Fort Bliss	Hospital Replacement Incr 4	207,400	207,400
Def-Wide	Joint Base San Antonio	Ambulatory Care Center Phase 3 Incr	80,700	80,700
Def-Wide	Red River Army Depot	Dfas Facility	16,715	16,715
	United Kingdom			
Def-Wide	Menwith Hill Station	MHS Utilities and Roads	3,795	3,795
Def-Wide	Menwith Hill Station	Replace Menwith Hill Elementary/High School	46,488	46,488
Def-Wide	Raf Feltwell	Feltwell Elementary School Addition	30,811	
Def-Wide	Raf Mildenhall	SOF CV–22 Simulator Facility	6,490	6,490
	Utah			
Def-Wide	Camp Williams	Ic Cnci Data Center 1 Inc 4	191,414	191,414
	Virginia			
Def-Wide	Dam Neck	SOF Magazines	0	0

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
Def-Wide	Joint Expeditionary Base Little Creek—Story	SOF Combat Services Support Facility—East	11,132	11,132
Def-Wide	Norfolk	Veterinary Facility Replacement	8,500	8,500
	Washington			
Def-Wide	Fort Lewis	SOF Battalion Operations Facility	46,553	46,553
Def-Wide	Fort Lewis	SOF Military Working Dog Kennel	3,967	3,967
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	10,000	0
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program	150,000	150,000
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	6,440	6,440
Def-Wide	Unspecified Worldwide Locations	Minor Construction	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Planning & Design	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	7,928	7,928
Def-Wide	Unspecified Worldwide Locations	Planning and Design	105,700	105,700
Def-Wide	Unspecified Worldwide Locations	Planning and Design	27,620	27,620
Def-Wide	Unspecified Worldwide Locations	Planning and Design	8,300	8,300
Def-Wide	Unspecified Worldwide Locations	Planning and Design	47,978	47,978
Def-Wide	Unspecified Worldwide Locations	Planning and Design	105,569	105,569
Def-Wide	Unspecified Worldwide Locations	Planning and Design	2,919	2,919
Def-Wide	Unspecified Worldwide Locations	Planning and Design	4,548	4,548
Def-Wide	Unspecified Worldwide Locations	SOF Operations and Skills Training Complex	0	0
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Const	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	7,254	7,254
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	4,091	4,091
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Milcon	3,000	3,000
Total Military Construction, Defense-Wide			**3,654,623**	**3,569,623**
	Colorado			
Chem Demil	Pueblo Depot	Ammunition Demilitarization Facility, Ph Xiv	36,000	36,000
	Kentucky			
Chem Demil	Blue Grass Army Depot	Ammunition Demilitarization Ph Xiii	115,000	115,000
Total Chemical Demilitarization Construction, Defense			**151,000**	**151,000**
	Worldwide Unspecified			
NATO	NATO Security Investment Program	NATO Security Investment Program	254,163	254,163
Total NATO Security Investment Program			**254,163**	**254,163**
	Alabama			
Army NG	Fort MC Clellan	Live Fire Shoot House	5,400	5,400
	Arkansas			
Army NG	Searcy	Field Maintenance Shop	6,800	6,800
	California			
Army NG	Fort Irwin	Maneuver Area Training & Equipment Site Ph3	25,000	25,000
	Connecticut			
Army NG	Camp Hartell	Combined Support Maintenance Shop	32,000	32,000
	Delaware			
Army NG	Bethany Beach	Regional Training Institute Ph1	5,500	5,500
	Florida			
Army NG	Camp Blanding	Combined Arms Collective Training Fac	9,000	9,000
Army NG	Miramar	Readiness Center	20,000	20,000
	Guam			
Army NG	Barrigada	JFHQ Ph4	8,500	8,500
	Hawaii			
Army NG	Kapolei	Army Aviation Support Facility Ph1	28,000	28,000
	Idaho			
Army NG	Orchard Trainig Area	Ortc(Barracks)Ph2	40,000	40,000
	Indiana			
Army NG	South Bend	Armed Forces Reserve Center Add/Alt	21,000	21,000
Army NG	Terre Haute	Field Maintenance Shop	9,000	9,000
	Iowa			
Army NG	Camp Dodge	Urban Assault Course	3,000	3,000
	Kansas			
Army NG	Topeka	Taxiway, Ramp & Hangar Alterations	9,500	9,500
	Kentucky			
Army NG	Frankfort	Army Aviation Support Facility	32,000	32,000
	Massachusetts			
Army NG	Camp Edwards	Ground Water Extraction, Treatment, and Recharge System	0	0
Army NG	Camp Edwards	Unit Training Equipment Site	22,000	22,000
	Michigan			
Army NG	Camp Grayling	Operational Readiness Training Complex (Ortc) Barracks	0	0
	Minnesota			
Army NG	Camp Ripley	Scout Reconnaisance Range	17,000	17,000
Army NG	St Paul	Readiness Center	17,000	17,000
	Missouri			
Army NG	Fort Leonard Wood	Regional Training Institute	18,000	18,000
Army NG	Kansas City	Readiness Center Add/Alt	1,900	1,900
Army NG	Monett	Readiness Center Add/Alt	820	820
Army NG	Perryville	Readiness Center Add/Alt	700	700
	Montana			
Army NG	Miles City	Readiness Center	11,000	11,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
	New Jersey			
Army NG	Sea Girt	Regional Training Institute	34,000	34,000
	New York			
Army NG	Stormville	Combined Support Maint Shop Ph1	24,000	24,000
	Ohio			
Army NG	Chillicothe	Field Maintenance Shop Add/Alt	3,100	3,100
Army NG	Delaware	Readiness Center	12,000	12,000
	Oklahoma			
Army NG	Camp Gruber	Operations Readiness Training Complex	25,000	25,000
	Puerto Rico			
Army NG	Camp Santiago	Readiness Center	3,800	3,800
Army NG	Ceiba	Refill Station Building	2,200	2,200
Army NG	Guaynabo	Readiness Center (JFHQ)	15,000	15,000
Army NG	Gurabo	Readiness Center	14,700	14,700
	Utah			
Army NG	Camp Williams	BEQ Facility (Regional Training Institute)	15,000	15,000
Army NG	Camp Williams	Regional Training Institute Ph2	21,000	21,000
	Vermont			
Army NG	North Hyde Park	Field Maintenance Shop	0	0
	Washington			
Army NG	Fort Lewis	Readiness Center	35,000	35,000
	West Virginia			
Army NG	Logan	Readiness Center	14,200	14,200
	Wisconsin			
Army NG	Wausau	Field Maintenance Shop	10,000	10,000
	Worldwide Unspecified			
Army NG	Unspecified Worldwide Locations	Planning and Design	26,622	26,622
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	15,057	15,057
Total Military Construction, Army National Guard			**613,799**	**613,799**
	California			
Army Res	Fort Hunter Liggett	Access Control Point	0	0
Army Res	Fort Hunter Liggett	Ortc	64,000	64,000
Army Res	Fort Hunter Liggett	Uph Barracks	4,300	4,300
Army Res	Tustin	Army Reserve Center	27,000	27,000
	Illinois			
Army Res	Fort Sheridan	Army Reserve Center	28,000	28,000
	Maryland			
Army Res	Aberdeen Proving Ground	Army Reserve Center	21,000	21,000
Army Res	Baltimore	Add/Alt Army Reserve Center	10,000	10,000
	Massachusetts			
Army Res	Devens Reserve Forces Training Area	Automatic Record Fire Range	4,800	4,800
Army Res	Devens Reserve Forces Training Area	Combat Pistol/MP Firearms Qualification	3,700	3,700
	Nevada			
Army Res	Las Vegas	Army Reserve Center/AMSA	21,000	21,000
	New Jersey			
Army Res	Joint Base Mcguire-Dix-Lakehurst	Automated Infantry Squad Battle Course	7,400	7,400
	Pennsylvania			
Army Res	Conneaut Lake	Defense Access Road	0	0
	Washington			
Army Res	Joint Base Lewis-Mcchord	Army Reserve Center	40,000	40,000
	Wisconsin			
Army Res	Fort Mccoy	Central Issue Facility	12,200	12,200
Army Res	Fort Mccoy	Dining Facility	8,600	8,600
Army Res	Fort Mccoy	Ecs Tactical Equip. Maint. Facilty (Temf)	27,000	27,000
	Worldwide Unspecified			
Army Res	Unspecified Worldwide Locations	Planning and Design	15,951	15,951
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	10,895	10,895
Total Military Construction, Army Reserve			**305,846**	**305,846**
	Arizona			
N/MC Res	Yuma	Reserve Training Facility—Yuma AZ	5,379	5,379
	Iowa			
N/MC Res	Fort Des Moines	Joint Reserve Center—Des Moines IA	19,162	19,162
	Louisiana			
N/MC Res	New Orleans	Transient Quarters	7,187	7,187
	New York			
N/MC Res	Brooklyn	Vehicle Maint. Fac.—Brooklyn NY	4,430	4,430
	Texas			
N/MC Res	Fort Worth	Commercial Vehicle Inspection Site	11,256	11,256
	Worldwide Unspecified			
N/MC Res	Unspecified Worldwide Locations	Planning and Design	2,118	2,118
Total Military Construction, Navy and Marine Corps Reserve			**49,532**	**49,532**
	California			
Air NG	Fresno Yosemite IAP ANG	F–15 Conversion	11,000	11,000
	Hawaii			
Air NG	Joint Base Pearl Harbor-Hickam	TFI—F–22 Combat Apron Addition	6,500	6,500
	New Mexico			
Air NG	Kirtland AFB	Alter Target Intelligence Facility	8,500	8,500

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
	Tennessee			
Air NG	Mcghee-Tyson Airport	Dormitory Classroom Facility	0	0
	Worldwide Unspecified			
Air NG	Various Worldwide Locations	Planning and Design	4,000	4,000
Air NG	Various Worldwide Locations	Unspecified Minor Construction	5,900	5,900
	Wyoming			
Air NG	Cheyenne Map	C–130 Flight Simulator Training Facility	6,486	6,486
Total Military Construction, Air National Guard			**42,386**	**42,386**
	California			
AF Res	March Air Reserve Base	Joint Regional Deployment Processing Center	0	0
	New York			
AF Res	Niagara Falls IAP	Flight Simulator Facility	6,100	6,100
	Worldwide Unspecified			
AF Res	Various Worldwide Locations	Planning and Design	2,879	2,879
AF Res	Various Worldwide Locations	Unspecified Minor Construtions	2,000	2,000
Total Military Construction, Air Force Reserve			**10,979**	**10,979**
	Worldwide Unspecified			
FH Con Army	Unspecified Worldwide Locations	Family Housing P&d	4,641	4,641
Total Family Housing Construction, Army			**4,641**	**4,641**
	Worldwide Unspecified			
FH Ops Army	Unspecified Worldwide Locations	Furnishings Account	31,785	31,785
FH Ops Army	Unspecified Worldwide Locations	Leasing	203,533	203,533
FH Ops Army	Unspecified Worldwide Locations	Maintenance of Real Property	109,534	109,534
FH Ops Army	Unspecified Worldwide Locations	Management Account	56,970	56,970
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous Account	620	620
FH Ops Army	Unspecified Worldwide Locations	Privatization Support Costs	26,010	26,010
FH Ops Army	Unspecified Worldwide Locations	Services Account	13,487	13,487
FH Ops Army	Unspecified Worldwide Locations	Utilities Account	88,112	88,112
Total Family Housing Operation & Maintenance, Army			**530,051**	**530,051**
	Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Improvements	79,571	79,571
FH Con AF	Unspecified Worldwide Locations	Planning and Design	4,253	4,253
Total Family Housing Construction, Air Force			**83,824**	**83,824**
	Worldwide Unspecified			
FH Ops AF	Unspecified Worldwide Locations	Furnishings Account	37,878	37,878
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization	46,127	46,127
FH Ops AF	Unspecified Worldwide Locations	Leasing	62,730	62,730
FH Ops AF	Unspecified Worldwide Locations	Maintenance (Rpma Rpmc)	201,937	201,937
FH Ops AF	Unspecified Worldwide Locations	Management Account	55,002	55,002
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous Account	1,943	1,943
FH Ops AF	Unspecified Worldwide Locations	Services Account	16,550	16,550
FH Ops AF	Unspecified Worldwide Locations	Utilities Account	75,662	75,662
Total Family Housing Operation & Maintenance, Air Force			**497,829**	**497,829**
	Worldwide Unspecified			
FH Con Navy	Unspecified Worldwide Locations	Design	4,527	4,527
FH Con Navy	Unspecified Worldwide Locations	Improvements	97,655	97,655
Total Family Housing Construction, Navy and Marine Corps			**102,182**	**102,182**
	Worldwide Unspecified			
FH Ops Navy	Unspecified Worldwide Locations	Furnishings Account	17,697	17,697
FH Ops Navy	Unspecified Worldwide Locations	Leasing	83,774	83,774
FH Ops Navy	Unspecified Worldwide Locations	Maintenance of Real Property	85,254	85,254
FH Ops Navy	Unspecified Worldwide Locations	Management Account	62,741	62,741
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous Account	491	491
FH Ops Navy	Unspecified Worldwide Locations	Privatization Support Costs	27,798	27,798
FH Ops Navy	Unspecified Worldwide Locations	Services Account	19,615	19,615
FH Ops Navy	Unspecified Worldwide Locations	Utilities Account	80,860	80,860
Total Family Housing Operation & Maintenance, Navy and Marine Corps			**378,230**	**378,230**
	Worldwide Unspecified			
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	4,660	4,660
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	66	66
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	20	20
FH Ops DW	Unspecified Worldwide Locations	Leasing	35,333	35,333
FH Ops DW	Unspecified Worldwide Locations	Leasing	10,822	10,822
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	567	567
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	73	73
FH Ops DW	Unspecified Worldwide Locations	Management Account	371	371
FH Ops DW	Unspecified Worldwide Locations	Services Account	31	31

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	283	283
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	12	12
Total Family Housing Operation & Maintenance, Defense-Wide			**52,238**	**52,238**
	Worldwide Unspecified			
FHIF	Unspecified Worldwide Locations	Family Housing Improvement Fund	1,786	1,786
Total DOD Family Housing Improvement Fund			**1,786**	**1,786**
	Worldwide Unspecified			
BRAC 05	Unspecified Worldwide Locations	Comm Add 3: Galena Fol, AK	1,337	1,337
BRAC 05	Unspecified Worldwide Locations	Don–100: Planing, Design and Management	5,038	5,038
BRAC 05	Unspecified Worldwide Locations	Don–101: Various Locations	4,176	4,176
BRAC 05	Unspecified Worldwide Locations	Don–138: NAS Brunswick, ME	4,897	4,897
BRAC 05	Unspecified Worldwide Locations	Don–157: Mcsa Kansas City, MO	39	39
BRAC 05	Unspecified Worldwide Locations	Don–168: Ns Newport, RI	1,742	1,742
BRAC 05	Unspecified Worldwide Locations	Don–172: NWS Seal Beach, Concord, CA	2,129	2,129
BRAC 05	Unspecified Worldwide Locations	Don–84: JRB Willow Grove & Cambria Reg Ap	189	189
BRAC 05	Unspecified Worldwide Locations	Ind–106: Kansas Army Ammunition Plant, KS	7,280	7,280
BRAC 05	Unspecified Worldwide Locations	Ind–110: Mississippi Army Ammo Plant, MS	160	160
BRAC 05	Unspecified Worldwide Locations	Ind–112: River Bank Army Ammo Plant, CA	22,431	22,431
BRAC 05	Unspecified Worldwide Locations	Ind–119: Newport Chemical Depot, in	197	197
BRAC 05	Unspecified Worldwide Locations	Ind–122: Lone Star Army Ammo Plant, TX	11,379	11,379
BRAC 05	Unspecified Worldwide Locations	Med–2: Walter Reed Nmmc, Bethesda, MD	7,787	7,787
BRAC 05	Unspecified Worldwide Locations	Med–57: Brooks City Base, TX	326	326
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations	20,453	20,453
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations	605	605
BRAC 05	Unspecified Worldwide Locations	Usa–113: Fort Monroe, VA	12,184	12,184
BRAC 05	Unspecified Worldwide Locations	Usa–121: Fort Gillem, GA	4,976	4,976
BRAC 05	Unspecified Worldwide Locations	Usa–167: USAR Command and Control—NE	175	175
BRAC 05	Unspecified Worldwide Locations	Usa–212: USAR Cmd & Cntrl—New England	222	222
BRAC 05	Unspecified Worldwide Locations	Usa–222: Fort Mcpherson, GA	6,772	6,772
BRAC 05	Unspecified Worldwide Locations	Usa–223: Fort Monmouth, NJ	9,989	9,989
BRAC 05	Unspecified Worldwide Locations	Usa–236: Rc Transformation in CT	557	557
BRAC 05	Unspecified Worldwide Locations	Usa–242: Rc Transformation in NY	172	172
BRAC 05	Unspecified Worldwide Locations	Usa–253: Rc Transformation in PA	100	100
BRAC 05	Unspecified Worldwide Locations	Usa–36: Red River Army Depot	1,385	1,385
Total Base Realignment and Closure Account 2005			**126,697**	**126,697**
	Worldwide Unspecified			
BRAC IV	Base Realignment & Closure, Air Force	Base Realignment & Closure	122,552	122,552
BRAC IV	Base Realignment & Closure, Army	Base Realignment & Closure	79,893	79,893
BRAC IV	Base Realignment & Closure, Navy	Base Realignment & Closure	146,951	146,951
Total Base Realignment and Closure Account 1990			**349,396**	**349,396**
	Worldwide Unspecified			
PYS	Unspecified Worldwide Locations	BRAC 2005	0	–126,697
PYS	Unspecified Worldwide Locations	Contingency Construction	0	–20,000
Total Prior Year Savings			**0**	**–146,697**
Total Military Construction			**11,222,710**	**10,838,192**

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
	BAHRAIN ISLAND			
Navy	SW ASIA	COMBINED DINING FACILITY	0	9,819
Navy	SW ASIA	TRANSIENT QUARTERS	0	41,529
	DJIBOUTI			
Navy	CAMP LEMONIER, DJIBOUTI	CONTAINERIZED LIVING AND WORK UNITS	0	7,510
Navy	CAMP LEMONIER, DJIBOUTI	FITNESS CENTER	0	26,960
Navy	CAMP LEMONIER, DJIBOUTI	GALLEY ADDITION AND WAREHOUSE	0	22,220
Navy	CAMP LEMONIER, DJIBOUTI	JOINT HQ/JOINT OPERATIONS CENTER FACILITY	0	42,730
Total Military Construction, Navy			**0**	**150,768**
	WORLDWIDE UNSPECIFIED			
PYS	UNSPECIFIED WORLDWIDE LOCATIONS	112–10 AND TITLE IV OF DIVISION H P.L. 112–74	0	–150,768
Total Prior Year Savings			**0**	**–150,768**
Total Military Construction			**0**	**0**

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 2013 Request	House Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		
Energy Programs		
Electricity delivery and energy reliability	6,000	6,000
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities	7,577,341	7,900,979
Defense nuclear nonproliferation	2,458,631	2,485,631
Naval reactors	1,088,635	1,187,635
Office of the administrator	411,279	363,279
Total, National nuclear security administration	**11,535,886**	**11,937,524**
Environmental and other defense activities:		
Defense environmental cleanup	5,472,001	5,482,001
Other defense activities	735,702	685,702
Total, Environmental & other defense activities	**6,207,703**	**6,167,703**
Total, Atomic Energy Defense Activities	**17,743,589**	**18,105,227**
Total, Discretionary Funding	**17,749,589**	**18,111,227**
Electricity Delivery & Energy Reliability		
Electricity Delivery & Energy Reliability		
Infrastructure security & energy restoration	6,000	6,000
Weapons Activities		
Directed stockpile work		
Life extension programs		
B61 Life extension program	369,000	435,000
W76 Life extension program	174,931	255,931
Total, Life extension programs	**543,931**	**690,931**
Stockpile systems		
B61 Stockpile systems	72,364	72,364
W76 Stockpile systems	65,445	65,445
W78 Stockpile systems	139,207	151,207
W80 Stockpile systems	46,540	46,540
B83 Stockpile systems	57,947	57,947
W87 Stockpile systems	85,689	85,689
W88 Stockpile systems	123,217	128,217
Total, Stockpile systems	**590,409**	**607,409**
Weapons dismantlement and disposition		
Operations and maintenance	51,265	51,265
Stockpile services		
Production support	365,405	371,405
Research and development support	28,103	32,103
R&D certification and safety	191,632	218,632
Management, technology, and production	175,844	184,844
Plutonium sustainment	141,685	150,685
Total, Stockpile services	**902,669**	**957,669**
Total, Directed stockpile work	**2,088,274**	**2,307,274**
Campaigns:		
Science campaign		
Advanced certification	44,104	73,604
Primary assessment technologies	94,000	101,000
Dynamic materials properties	97,000	106,000
Advanced radiography	30,000	30,000
Secondary assessment technologies	85,000	85,000
Total, Science campaign	**350,104**	**395,604**
Engineering campaign		
Enhanced surety	46,421	54,921
Weapon systems engineering assessment technology	18,983	18,983
Nuclear survivability	21,788	21,788
Enhanced surveillance	63,379	71,379
Total, Engineering campaign	**150,571**	**167,071**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	House Authorized
Inertial confinement fusion ignition and high yield campaign		
Diagnostics, cryogenics and experimental support	81,942	81,942
Ignition	84,172	54,172
Support of other stockpile programs	14,817	34,817
Pulsed power inertial confinement fusion	6,044	6,044
Joint program in high energy density laboratory plasmas	8,334	8,334
Facility operations and target production	264,691	264,691
Total, Inertial confinement fusion and high yield campaign	**460,000**	**450,000**
Advanced simulation and computing campaign	600,000	570,000
Readiness Campaign		
Nonnuclear readiness	64,681	64,681
Tritium readiness	65,414	65,414
Total, Readiness campaign	**130,095**	**130,095**
Total, Campaigns	**1,690,770**	**1,712,770**
Readiness in technical base and facilities (RTBF)		
Operations of facilities		
Kansas City Plant	163,602	163,602
Lawrence Livermore National Laboratory	89,048	89,048
Los Alamos National Laboratory	335,978	335,978
Nevada National Security Site	115,697	115,697
Pantex	172,020	172,020
Sandia National Laboratory	167,384	167,384
Savannah River Site	120,577	120,577
Y–12 National security complex	255,097	255,097
Total, Operations of facilities	**1,419,403**	**1,419,403**
Science, technology and engineering capability support	166,945	166,945
Nuclear operations capability support	203,346	203,346
Subtotal, Readiness in technical base and facilities	**1,789,694**	**1,789,694**
Construction:		
13–D–301 Electrical infrastructure upgrades, LANL/LLNL	23,000	23,000
12–D–301 TRU waste facilities, LANL	24,204	24,204
11–D–801 TA–55 Reinvestment project, LANL	8,889	8,889
10–D–501 Nuclear facilities risk reduction Y–12 National security complex, Oakridge, TN	17,909	17,909
09–D–404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM	11,332	11,332
08–D–802 High explosive pressing facility Pantex Plant, Amarillo, TX	24,800	24,800
06–D–141 PED/Construction, UPF Y–12 , Oak Ridge, TN	340,000	340,000
04–D–125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM	0	100,000
Total, Construction	**450,134**	**550,134**
Total, Readiness in technical base and facilities	**2,239,828**	**2,339,828**
Secure transportation asset		
Operations and equipment	114,965	114,965
Program direction	104,396	104,396
Total, Secure transportation asset	**219,361**	**219,361**
Nuclear counterterrorism incident response	247,552	247,552
Site stewardship		
Operations and maintenance	90,001	72,639
Total, Site stewardship	**90,001**	**72,639**
Defense nuclear security		
Operations and maintenance	643,285	643,285
NNSA CIO activities	155,022	155,022
Legacy contractor pensions	185,000	185,000
National security applications	18,248	18,248
Subtotal, Weapons activities	**7,577,341**	**7,900,979**
Total, Weapons Activities	**7,577,341**	**7,900,979**
Defense Nuclear Nonproliferation		
Nonproliferation and verification R&D		
Operations and maintenance	548,186	548,186
Nonproliferation and international security	150,119	150,119

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	House Authorized
International nuclear materials protection and cooperation	311,000	311,000
Fissile materials disposition		
U.S. surplus fissile materials disposition		
Operations and maintenance		
U.S. plutonium disposition	498,979	498,979
U.S. uranium disposition	29,736	29,736
Total, Operations and maintenance	**528,715**	**528,715**
Construction:		
99–D–143 Mixed oxide fuel fabrication facility, Savannah River, SC	388,802	388,802
Total, Construction	**388,802**	**388,802**
Total, U.S. surplus fissile materials disposition	**917,517**	**917,517**
Russian surplus fissile materials disposition	3,788	3,788
Total, Fissile materials disposition	**921,305**	**921,305**
Global threat reduction initiative	466,021	493,021
Legacy contractor pensions	62,000	62,000
Total, Defense Nuclear Nonproliferation	**2,458,631**	**2,485,631**
Naval Reactors		
Naval reactors development	418,072	418,072
Ohio replacement reactor systems development	89,700	186,700
S8G Prototype refueling	121,100	121,100
Naval reactors operations and infrastructure	366,961	366,961
Construction:		
13–D–905 Remote-handled low-level waste facility, INL	8,890	8,890
13–D–904 KS Radiological work and storage building, KSO	2,000	2,000
13–D–903, KS Prototype Staff Building, KSO	14,000	14,000
10–D–903, Security upgrades, KAPL	19,000	19,000
08–D–190 Expended Core Facility M–290 recovering discharge station, Naval Reactor Facility, ID	5,700	5,700
Total, Construction	**49,590**	**49,590**
Program direction	43,212	45,212
Subtotal, Naval Reactors	**1,088,635**	**1,187,635**
Total, Naval Reactors	**1,088,635**	**1,187,635**
Office Of The Administrator		
Office of the administrator	411,279	363,279
Total, Office Of The Administrator	**411,279**	**363,279**
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	1,990	1,990
Hanford site:		
River corridor and other cleanup operations	389,347	389,347
Central plateau remediation	558,820	558,820
Richland community and regulatory support	15,156	15,156
Total, Hanford site	**963,323**	**963,323**
Idaho National Laboratory:		
Idaho cleanup and waste disposition	396,607	396,607
Idaho community and regulatory support	3,000	3,000
Total, Idaho National Laboratory	**399,607**	**399,607**
NNSA sites		
Lawrence Livermore National Laboratory	1,484	1,484
Nuclear facility D & D Separations Process Research Unit	24,000	24,000
Nevada	64,641	64,641
Sandia National Laboratories	5,000	5,000
Los Alamos National Laboratory	239,143	239,143
Total, NNSA sites and Nevada off-sites	**334,268**	**334,268**
Oak Ridge Reservation:		
Building 3019	67,525	67,525
OR cleanup and disposition	109,470	109,470
OR reservation community and regulatory support	4,500	4,500

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	House Authorized
Total, Oak Ridge Reservation	**181,495**	**181,495**
Office of River Protection:		
Waste treatment and immobilization plant		
01–D–416 A-E/ORP-0060 / Major construction	690,000	690,000
Tank farm activities		
Rad liquid tank waste stabilization and disposition	482,113	482,113
Total, Office of River protection	**1,172,113**	**1,172,113**
Savannah River sites:		
Savannah River risk management operations	444,089	444,089
SR community and regulatory support	16,584	16,584
Radioactive liquid tank waste:		
Radioactive liquid tank waste stabilization and disposition	698,294	698,294
Construction:		
05–D–405 Salt waste processing facility, Savannah River	22,549	22,549
PE&D glass waste storage building #3	0	0
Total, Radioactive liquid tank waste	**720,843**	**720,843**
Total, Savannah River site	**1,181,516**	**1,181,516**
Waste Isolation Pilot Plant		
Waste isolation pilot plant	198,010	198,010
Total, Waste Isolation Pilot Plant	**198,010**	**198,010**
Program direction	323,504	323,504
Program support	18,279	18,279
Safeguards and Security:		
Oak Ridge Reservation	18,817	18,817
Paducah	8,909	8,909
Portsmouth	8,578	8,578
Richland/Hanford Site	71,746	71,746
Savannah River Site	121,977	121,977
Waste Isolation Pilot Project	4,977	4,977
West Valley	2,015	2,015
Total, Safeguards and Security	**237,019**	**237,019**
Technology development	20,000	30,000
Uranium enrichment D&D fund contribution	463,000	463,000
Subtotal, Defense environmental cleanup	**5,494,124**	**5,504,124**
Adjustments		
Use of prior year balances	–12,123	–12,123
Use of unobligated balances	–10,000	–10,000
Total, Adjustments	**–22,123**	**–22,123**
Total, Defense Environmental Cleanup	**5,472,001**	**5,482,001**
Other Defense Activities		
Health, safety and security		
Health, safety and security	139,325	139,325
Program direction	106,175	106,175
Undistributed adjustment		–50,000
Total, Health, safety and security	**245,500**	**195,500**
Specialized security activities	188,619	188,619
Office of Legacy Management		
Legacy management	164,477	164,477
Program direction	13,469	13,469
Total, Office of Legacy Management	**177,946**	**177,946**
Defense-related activities		
Defense related administrative support	118,836	118,836
Office of hearings and appeals	4,801	4,801
Subtotal, Other defense activities	**735,702**	**685,702**
Total, Other Defense Activities	**735,702**	**685,702**

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112–485 and amendments en bloc described in section 3 of House Resolution 661.

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

It shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of. Such amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

□ 1510

AMENDMENT NO. 1 OFFERED BY MR. MCKEON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–485.

Mr. MCKEON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 448, strike line 21 and insert ''Not later than 120 days after the date''.

Page 448, line 23, strike ''submit'' and insert ''provide''.

Page 449, line 1, strike ''report'' and insert ''briefing''.

Page 450, strike lines 8 through 15.

Strike the section heading for section 1104 and insert the following:

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, 2013, 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 1104 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1612), is further amended by striking ''through 2012'' and inserting ''through 2013''.

Page 796, beginning line 12, strike ''the Secretary may transfer appropriated funds available'' and insert ''the Secretary is authorized to transfer funds made available in fiscal year 2013''.

Page 840, line 4, strike the period and insert the following: ''or with a detailed justification on the continued threat and how the continuation of the program would effectively address such threat.''.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chairman, I ask unanimous consent that my amendment No. 1 be modified in the manner that I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Mr. MCKEON:

At the end of the amendment, add the following:

At the end of subtitle A of title VII, add the following:

SEC. 704. CERTAIN TREATMENT OF AUTISM UNDER TRICARE.

(a) IN GENERAL.—Section 1077 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g)(1) In providing health care under subsection (a) to a covered beneficiary described in paragraph (3)(A), the treatment of autism spectrum disorders shall include behavioral health treatment, including applied behavior analysis, when prescribed by a physician.

''(2) In carrying out this subsection, the Secretary shall ensure that—

''(A) except as provided by subparagraph (B), a person who is authorized to provide behavioral health treatment is licensed or certified by a State or accredited national certification board; and

''(B) if applied behavior analysis or other behavioral health treatment is provided by an employee or contractor of a person described in subparagraph (A), the employee or contractor shall meet minimum qualifications, training, and supervision requirements as set forth by the Secretary.

''(3)(A) A covered beneficiary described in this subparagraph is a covered beneficiary who is a beneficiary by virtue of—

''(i) service in the armed forces (not including the Coast Guard); or

''(ii) being a dependent of a member of the armed forces (not including the Coast Guard).

''(B) Nothing in this subsection shall be construed as limiting or otherwise affecting the benefits otherwise provided under this chapter to a covered beneficiary who is a beneficiary by virtue of—

''(i) service in the Coast Guard, the Commissioned Corp of the National Oceanic and Atmospheric Administration, or the Commissioned Corp of the Public Health Service; or

''(ii) being a dependent of a member of a service described in clause (i).

''(C) This subsection shall not apply to a medicare-eligible beneficiary (as defined in section 1111(b) of this title).

''(D) Except as provided in subparagraph (C), nothing in this subsection shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

''(i) this chapter;

''(ii) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

''(iii) any other law.''.

(b) FUNDING.—

(1) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 1406 for the Defense Health Program, as specified in the corresponding funding table in section 4501, for Private Sector Care is hereby increased by $30,000,000.

(2) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4201 for Research, Development, Test and Evaluation, Army, as specified in the corresponding funding table in division D, is hereby reduced by $30,000,000, to be derived as follows:

(A) $21,000,000 from the Aerostat Joint Project Office.

(B) $9,000,000 from Endurance UAVs.

Mr. MCKEON (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. Is there objection to modifying the amendment?

Without objection, the amendment is modified.

There was no objection.

The Acting CHAIR. The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

We have worked long and hard, the staff has worked long and hard to get us to this point. This manager's amendment that we've worked on has been worked through both sides. We have unanimous agreement on it. It's a good bill, a good addition to the bill, and I ask that it be approved.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, although I am not opposed, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Washington. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. BERMAN), the ranking member on the Foreign Affairs Committee.

Mr. BERMAN. Thank you, Mr. SMITH, for yielding me this time.

I rise in support of the manager's amendment, but to speak in support of the Smith amendment, which is part of the en bloc amendment which will be taken up next. I am pleased to join Ranking Member SMITH, Chairman MCKEON, and Foreign Affairs Chair ROS-LEHTINEN as sponsor of the Smith amendment.

I am particularly pleased that this amendment incorporates most of H.R. 3288, the Safeguarding United States Satellite Leadership and Security Act, legislation I introduced last November, along with DON MANZULLO, ADAM SMITH, DUTCH RUPPERSBERGER, ROB BISHOP, MARTIN HEINRICH, MIKE COFFMAN, and GERRY CONNOLLY. We have since been joined by 12 other cosponsors from both sides of the aisle, many of whom are also cosponsors of this amendment.

Mr. Chairman, this bipartisan amendment, which will be part of the en bloc, would help restore America's global competitiveness in high-tech satellite technology and protect vital U.S. national security interests.

Treating commercial satellites and components as if they were lethal weapons, regardless of whether they're going to friend or foe, has gravely

harmed American space manufacturers—a view borne out by numerous studies, industry assessments, and the administration's own recent ''1248'' report to Congress. We depend on these manufacturers for our own critical defense needs. If onerous restrictions prevent them from competing in the international marketplace, then they can't innovate and ultimately cannot survive.

This amendment also supports U.S. national security. It includes a strict prohibition on any satellite exports to China—the original concern that caused Congress to transfer all satellites to the Munitions List—as well as to Iran, North Korea, Syria, Sudan, and Cuba.

I urge my colleagues to support the amendment, and I thank the chair and the ranking member of the committee for their support of this amendment.

Mr. MCKEON. Mr. Chairman, I just want to rise to commend the gentleman, Mr. BERMAN, for his strong work on this amendment, for the work that he's done to further this cause of helping businesses in being able to do business abroad while still protecting the security of America.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield myself the balance of my time.

I support the manager's amendment. I'm going to speak the balance of my time on the Smith-Amash amendment coming up later. There has been a great deal of distorted information going out. I want to take this opportunity to correct some of it.

First of all, the Gohmert amendment that's being offered does not solve the problem; you will still be subject to military custody and indefinite detention. It is not clear on that point; it leaves open the possibility the President will maintain that authority, and that is what this debate should be all about.

The President, right now, has the authority to go outside of the normal due process, constitutionally protected rights that are part of a court trial, and lock somebody up indefinitely or place them in military custody here in the U.S. That is an extraordinary amount of power to give the executive branch over individual freedom and liberty. I don't think it is necessary to keep us safe. Ten years of successfully prosecuting, convicting, and locking up terrorists under Article III courts has proven that point.

But hands down, the dumbest set of arguments I've ever heard in debating has been circulating that somehow taking away this extraordinary power from the President rewards terrorists. I would like to remind everybody—and particularly Tea Party conservatives—that just because the government arrests you doesn't mean you're guilty. Under their thinking, basically, once the government says you're a terrorist, you're a terrorist, and we shouldn't have a trial about it. So any effort to make sure that there's a process, to make sure that you actually are a terrorist becomes rewarding them. No; it's the process to make sure they are actually guilty. I cannot believe that Tea Party conservatives want to create a situation where when the government says you're guilty of a crime, that's it—no trial, no process, let's just lock you up and forget about it. That's why we have a court system.

Let's have the real debate here. Does the President need this authority to keep us safe? I don't believe he does. Let's stop these ridiculous arguments about rewarding terrorists and have some respect for the Constitution and due process.

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

Mr. MCKEON. At this point, Mr. Chairman, I yield the balance of our time to the vice chairman of the committee, the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I thank the chairman for yielding.

Mr. Chairman, we're going to have ample opportunity to debate a number of the issues that the distinguished ranking member raised, but I don't think that we can be here on the floor and allow some of the arguments that have been made to go without some challenge.

For example, to say that a letter signed by two former Attorneys General, a former Secretary of Homeland Security, and a variety of other officials who have had positions of responsibility in previous administrations who believe that the Smith-Amash amendment would be detrimental to our effort against terrorists, to say that those arguments are somehow silly or foolish I think really demeans past administrations.

□ 1520

It is not actually fitting for this sort of debate. I understand that emotions can run high when we talk about these issues, and there are serious issues to be discussed, some difficult problems and some clear differences. But I hope that in the future the nature of the debate is elevated somewhat beyond calling former distinguished officials names.

And let me make one other point. One of the key problems that many of us have with the Smith-Amash amendment is that it would bestow upon illegal aliens who come to this country to carry out terrorist attacks, it would bestow upon them full constitutional rights. That means basically, as soon as a member of al Qaeda sets foot on American soil, the first thing he hears after ''you are under arrest'' is you have the right to remain silent. You have the right to be provided an attorney. And if you can't afford one, an attorney will be provided to you.

Now, there may be differences about how we should treat illegal aliens who come here as members of al Qaeda to conduct terrorist attacks. But I think the vast majority of people in this body and around the country do not think telling them they have the right to remain silent, as the first thing they hear, is a wise thing.

So as you go through the arguments, and I would encourage Members of the House to read the letter themselves. I would encourage Members of the House to look at today's Wall Street Journal editorial. I would encourage Members of the House to look at the Heritage Foundation entry today on their Web site, to look how significant these issues are, how the Smith-Amash amendment would undermine our ability to defend our people, and how it is unfair to characterize concerns expressed by a dozen or eight to 10 former national security officials as somehow foolish or silly.

I think, Mr. Chairman, that we can do better with that.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentleman from California (Mr. MCKEON).

The amendment, as modified, was agreed to.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Chairman, pursuant to H. Res. 661, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 1 consisting of amendment Nos. 2, 13, 14, 15, 16, 21, 23, 25, 27, 28, 40, 43, 57, 74, 83, 95, 97, 102, 107, and 126, printed in House Report No. 112–485, offered by Mr. MCKEON of California:

AMENDMENT NO. 2 OFFERED BY MR. LANDRY OF LOUISIANA

At the end of title X, add the following new section:

SEC. 1084. PROHIBITION ON USE OF INFORMATION AGAINST A UNITED STATES CITIZEN GATHERED BY UNMANNED AERIAL VEHICLE WITHOUT A WARRANT.

Notwithstanding any other provision of law, information acquired by an unmanned aerial vehicle operated by the Department of Defense may not be admitted in a Federal court, State court, or court of a political subdivision of a State as evidence against a United States citizen unless such information was obtained by such unmanned aerial vehicle pursuant to a court order.

AMENDMENT NO. 13 OFFERED BY MR. HANNA OF NEW YORK

At the end of subtitle D of title II, add the following new section:

SEC. 245. REPORT ON AIR FORCE CYBER OPERATIONS.

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 study of Air Force cyber operations research, science, and technology. The report shall include following:

(1) The near-, mid- and far-term research and development priorities of the Secretary with respect to cyber operations, including the resources needed to execute such priorities.

(2) The percentage of research and development funding of the Air Force that is used to support cyber operations during each year covered by the future-years defense program submitted to Congress during 2012 under section 221 of title 10, United States Code.

(3) The anticipated role of each of the installations of the Air Force Research Laboratory with respect to cybersecurity research and development and operational support during each year covered by such future-years defense program.

(4) The resources, including both personnel and funding, that are projected to support the Air Force Research Laboratory in fulfilling such roles.

(5) Anticipated budget actions, if any, that the Secretary of Defense and the Secretary of the Air Force plan to take during fiscal year 2013 to ensure that the Department of Defense and the Air Force maintain the leadership role in cyber research.

(6) The plan of the Secretary of the Air Force to integrate cyber operations into military operations.

(7) The ways in which the Secretary is recruiting and retaining scientists and engineers at the Air Force Research Laboratory involved with cyber operations research, including the use of the authorities granted under the laboratory demonstration program established by Section 342 of the National Defense Authorization Act for Fiscal Year1995 and section 1114 of the National Defense Authorization Act for Fiscal Year 2001.

(8) Efforts to coordinate science and technology cyber activities of the Air Force Research Laboratory with other Air Force organizations, including the Air Force Institute of Technology and the Air Force Institute of Technology Center for Cyberspace Research.

(9) The potential benefit to the Air Force for collaboration with private industry and the development of cyber security technology clusters.

AMENDMENT NO. 14 OFFERED BY MR. BISHOP OF UTAH

Page 95, strike lines 15 through 18, and insert the following:

(4) in paragraph (2)(C), by striking the period and inserting '';

AMENDMENT NO. 15 OFFERED BY MR. GALLEGLY OF CALIFORNIA

In title III, at the end of subtitle B add the following:

SEC. ___. SOUTHERN SEA OTTER MILITARY READINESS AREAS.

(a) ESTABLISHMENT OF THE SOUTHERN SEA OTTER MILITARY READINESS AREAS.—Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2283. Establishment of the Southern Sea Otter Military Readiness Areas

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish areas, to be known as 'Southern Sea Otter Military Readiness Areas', for national defense purposes. Such areas shall include each of the following:

''(1) The area that includes Naval Base Ventura County, San Nicolas Island, and Begg Rock and the adjacent and surrounding waters within the following coordinates:

''N. Latitude/W. Longitude
''33°27.8′/119°34.3′
''33°20.5′/119°15.5′
''33°13.5′/119°11.8′
''33°06.5′/119°15.3′
''33°02.8′/119°26.8′
''33°08.8′/119°46.3′
''33°17.2′/119°56.9′
''33°30.9′/119°54.2′.

''(2) The area that includes Naval Base Coronado, San Clemente Island and the adjacent and surrounding waters running parallel to shore to 3 nautical miles from the high tide line, as designated by part 165 of title 33, Code of Federal Regulations, on May 20, 2010, as the San Clemente Island 3NM Safety Zone.

''(3) The area that includes Marine Corps Base Camp Pendleton and the adjacent waters within the following coordinates:

''Latitude/W. Longitude
''33°26.6′/117°38.9′
''33°21.3′/117°45.8′
''32°56.2′/117°39.7′
''33°6.5′/117°28.5′
''33°10.2′/117°23.7′
''33°11.8′/117°23.2′
''33°26.6′/117°38.9′.

''(b) ACTIVITIES WITHIN THE SOUTHERN SEA OTTER MILITARY READINESS AREAS.—

''(1) INCIDENTAL TAKINGS UNDER ENDANGERED SPECIES ACT OF 1973.—Sections 4 and 9 of the Endangered Species Act of 1973 (16 U.S.C. 1533, 1538) shall not apply with respect to the incidental taking of any southern sea otter in the Southern Sea Otter Military Readiness Areas in the course of conducting a military readiness activity.

''(2) INCIDENTAL TAKINGS UNDER MARINE MAMMAL PROTECTION ACT OF 1972.—Sections 101 and 102 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371, 1372) shall not apply with respect to the incidental taking of any southern sea otter in the Southern Sea Otter Military Readiness Areas in the course of conducting military readiness activities.

''(3) TREATMENT AS SPECIES PROPOSED TO BE LISTED.—For purposes of any military readiness activity, any southern sea otter while within the Southern Sea Otter Military Readiness Areas shall be treated for the purposes of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) as a member of a species that is proposed to be listed as an endangered species or a threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

''(c) REMOVAL.—Nothing in this section or any other Federal law shall be construed to require the removal of any southern sea otter located within the Southern Sea Otter Military Readiness Areas as of the date of the enactment of this section or thereafter.

''(d) REVISION OR TERMINATION OF EXCEPTIONS.—The Secretary of the Interior may revise or terminate the application of subsection (b) if the Secretary of the Interior, in consultation with, and with the concurrence of, the Secretary of the Navy, determines that military activities occurring in the Southern Sea Otter Military Readiness Areas are substantially impeding southern sea otter conservation or the return of southern sea otters to optimum sustainable population levels.

''(e) MONITORING.—

''(1) IN GENERAL.—The Secretary of the Navy, in consultation and in cooperation with the Secretary of the Interior, shall monitor the Southern Sea Otter Military Readiness Areas not less often than every year to evaluate the status of the southern sea otter population.

''(2) REPORTS.—Within 18 months after the effective date of this section and every three years thereafter, the Secretaries of the Navy and the Interior shall jointly report to Congress and the public on monitoring undertaken pursuant to paragraph (1).

''(f) DEFINITIONS.—In this section:

''(1) The term 'incidental taking' means any take of a southern sea otter that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

''(2) The term 'optimum sustainable population' means, with respect to any population stock, the number of animals that will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

''(3) The term 'southern sea otter' means any member of the subspecies Enhydra lutris nereis.

''(4) The term 'take'—

''(A) when used in reference to activities subject to regulation by the Endangered Species Act of 1973 (16 U.S.C. 1531–1544) shall have the meaning given such term in that Act; and

''(B) when used in reference to activities subject to regulation by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1423h), shall have the meaning given such term in that Act.

''(5) The term 'military readiness activity' has the meaning given that term in section 315(f) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 16 U.S.C. 703 note), and includes all training and operations of the Armed Forces that relate to combat, and the adequate and realistic testing of military equipment, vehicles, weapons, and sensors for proper operation and suitability for combat use.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

''2283. Establishment of the Southern Sea Otter Military Readiness Areas.''.

(c) CONSERVATION AND MANAGEMENT ACTIONS.—Section 1 of Public Law 99–625 (16 U.S.C. 1536 note) is amended by adding at the end the following:

''(g) CONSERVATION AND MANAGEMENT ACTIONS.—If the Secretary issues a final rule ending the management plan authorized under subsection (b) through the termination of the regulations implementing such plan—

''(1) the Secretary, in planning and implementing recovery and conservation measures under the Act to allow for the expansion of the range of the population of the sea otter, shall coordinate and cooperate with—

''(A) the Secretary of the Navy;

''(B) the Secretary of Commerce regarding recovery efforts for species listed under the Act; and

''(C) the State of California to assist the State in continuing viable commercial harvest of State fisheries; and

''(2) interaction with sea otters in the course of engaging in fishing in any State fishery south of Point Conception, California, under an authorization issued by the State of California shall not be treated as a violation of section 9 of the Act for incidental take or of the Marine Mammal Protection Act of 1972.''.

AMENDMENT NO. 16 OFFERED BY MS. HAYWORTH OF NEW YORK

At the end of subtitle C of title III, add the following new section:

SEC. 3___. SENSE OF CONGRESS REGARDING THE PERFORMANCE OF COMMERCIALLY-AVAILABLE ACTIVITIES BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) our Nation's economic strength is characterized by individual freedom and the competitive enterprise system, and as such, the Federal Government should not compete with its citizens and private enterprise;

(2) in recognition of this policy, the Government should rely on commercially available sources to provide commercial products and services and should not start or carry on any activity to provide a commercial product or service if the product or service can be procured more economically from a commercial source;

(3) this policy conforms with Department of Defense Total Force Management procedures aimed at improving total manpower requirements, determinations, and planning to facilitate decisions regarding which sector

(military, civilian, or contractor personnel) should perform each requirement; and

(4) the Department of Defense should not convert the performance of any function from performance by a contractor to performance by Department of Defense civilian employees unless the function is inherently governmental in nature or the conversion is necessary to comply with section 129a of title 10, United States Code, as amended by this Act.

(b) DEFINITION OF INHERENTLY GOVERNMENTAL.—In this section, the term ''inherently governmental'' has the meaning given that term in section 5(2) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

AMENDMENT NO. 21 OFFERED BY MS. PINGREE OF MAINE

At the end of subtitle H of title V, add the following new section:

SEC. 584. SENSE OF CONGRESS ON MILITARY SEXUAL TRAUMA.

(a) FINDINGS.—Congress finds the following:

(1) The Department of Defense conducted a survey of members of the Armed Forces serving on active duty that revealed that only 13.5 percent of such members reported incidents of sexual assault, which means that more than 19,000 incidents of sexual assault of members of the Armed Forces actually occurred in 2010 alone.

(2) Despite attempts, the Department of Defense has failed to address the chronic under reporting of incidents of sexual assault and harassment, as by the Department's own estimates, 86 percent of sexual assaults went unreported in 2010.

(3) Sexual assault in the military is an ongoing problem leading many victims to seek help after separation from the Armed Forces from the Department of Veterans Affairs.

(4) About 1 in 5 women and 1 in 100 men seen in Veterans Health Administration respond ''Yes'' when screened for military sexual trauma.

(5) Among users of healthcare provided by the Department of Veterans Affairs, medical record data indicates that diagnoses of post-traumatic stress disorder and other anxiety disorders, depression and other mood disorders, and substance use disorders are most frequently associated with military sexual trauma.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Veterans Affairs should expand efforts to raise awareness about military sexual trauma and the treatment and services that the Department provides to victims; and

(2) in light of the fact that the available data shows an overwhelming number of military sexual trauma claims go unreported within the Department of Defense, making it very difficult for veterans to show proof of the assault when filing claims with the Department of Veterans Affairs for post-traumatic stress disorder and other mental health conditions caused by military sexual trauma, the Secretary of Veterans Affairs should review the disability process to ensure that victims of military sexual trauma who file claims for service connection do not face unnecessary or overly burdensome requirements in order to claim disability benefits with the Department.

AMENDMENT NO. 23 OFFERED BY MR. BISHOP OF NEW YORK

SEC. 5___. SENSE OF CONGRESS REGARDING THE RECOVERY OF THE REMAINS OF CERTAIN MEMBERS OF THE ARMED FORCES KILLED IN THURSTON ISLAND, ANTARCTICA.

(a) FINDINGS.—Congress makes the following findings:

(1) Commencing August 26, 1946, though late February 1947 the United States Navy Antarctic Developments Program Task Force 68, codenamed ''Operation Highjump'' initiated and undertook the largest ever-to-this-date exploration of the Antarctic continent.

(2) The primary mission of the Task Force 68 organized by Rear Admiral Richard E. Byrd Jr. USN, (Ret) and led by Rear Admiral Richard H. Cruzen, USN, was to do the following:

(A) Establish the Antarctic research base Little America IV.

(B) In the defense of the United States of America from possible hostile aggression from abroad - to train personnel test equipment, develop techniques for establishing, maintaining and utilizing air bases on ice, with applicability comparable to interior Greenland, where conditions are similar to those of the Antarctic.

(C) Map and photograph a full two-thirds of the Antarctic Continent during the classified, hazardous duty/volunteer-only operation involving 4700 sailors, 23 aircraft and 13 ships including the first submarine the U.S.S. Sennet, and the aircraft carrier the U.S.S. Philippine Sea, brought to the edge of the ice pack to launch (6) Navy ski-equipped, rocket-assisted R4Ds.

(D) Consolidate and extend United States sovereignty over the largest practicable area of the Antarctic continent.

(E) Determine the feasibility of establishing, maintaining and utilizing bases in the Antarctic and investigating possible base sites.

(3) While on a hazardous duty/all volunteer mission vital to the interests of National Security and while over the eastern Antarctica coastline known as the Phantom Coast, the PBM-5 Martin Mariner ''Flying Boat'' ''George 1'' entered a whiteout over Thurston Island. As the pilot attempted to climb, the aircraft grazed the glacier's ridgeline and exploded within 5 seconds instantly killing Ensign Maxwell Lopez, Navigator and Wendell ''Bud'' Hendersin, Aviation Machinists Mate 1st Class while Frederick Williams, Aviation Radioman 1st Class died several hours later. Six other crewmen survived including the Captain of the ''George 1's'' seaplane tender U.S.S. Pine Island.

(4) The bodies of the dead were protected from the desecration of Antarctic scavenging birds (Skuas) by the surviving crew wrapping the bodies and temporarily burying the men under the starboard wing engine nacelle.

(5) Rescue requirements of the ''George-1'' survivors forced the abandonment of their crewmates' bodies.

(6) Conditions prior to the departure of Task Force 68 precluded a return to the area to the recover the bodies.

(7) For nearly 60 years Navy promised the families that they would recover the men: ''If the safety, logistical, and operational prerequisites allow a mission in the future, every effort will be made to bring our sailors home.''.

(8) The Joint POW/MIA Accounting Command twice offered to recover the bodies of this crew for Navy.

(9) A 2004 NASA ground penetrating radar overflight commissioned by Navy relocated the crash site three miles from its crash position.

(10) The Joint POW/MIA Accounting Command offered to underwrite the cost of an aerial ground penetrating radar (GPR) survey of the crash site area by NASA.

(11) The Joint POW/MIA Accounting Command studied the recovery with the recognized recovery authorities and national scientists and determined that the recovery is only ''medium risk''.

(12) National Science Foundation and scientists from the University of Texas, Austin, regularly visit the island.

(13) The crash site is classified as a ''perishable site'', meaning a glacier that will calve into the Bellingshausen Sea.

(14) The National Science Foundation maintains a presence in area - of the Pine Island Glacier.

(15) The National Science Foundation Director of Polar Operations will assist and provide assets for the recovery upon the request of Congress.

(16) The United States Coast Guard is presently pursuing the recovery of 3 WWII air crewmen from similar circumstances in Greenland.

(17) On Memorial Day, May 25, 2009, President Barak Obama declared: ''. . .the support of our veterans is a sacred trust. . .we need to serve them as they have served us. . .that means bringing home all our POWs and MIAs. . .''.

(18) The policies and laws of the United States of America require that our armed service personnel be repatriated.

(19) The fullest possible accounting of United States fallen military personnel means repatriating living American POWs and MIAs, accounting for, identifying, and recovering the remains of military personnel who were killed in the line of duty, or providing convincing evidence as to why such a repatriation, accounting, identification, or recovery is not possible.

(20) It is the responsibility of the Federal Government to return to the United States for proper burial and respect all members of the Armed Forces killed in the line of duty who lie in lost graves.

(b) SENSE OF CONGRESS.—In light of the findings under subsection (a), Congress—

(1) reaffirms its support for the recovery and return to the United States, the remains and bodies of all members of the Armed Forces killed in the line of duty, and for the efforts by the Joint POW-MIA Accounting Command to recover the remains of members of the Armed Forces from all wars, conflicts and missions;

(2) recognizes the courage and sacrifice of all members of the Armed Forces who participated in Operation Highjump and all missions vital to the national security of the United States of America;

(3) acknowledges the dedicated research and efforts by the US Geological Survey, the National Science Foundation, the Joint POW/MIA Accounting Command, the Fallen American Veterans Foundation and all persons and organizations to identify, locate, and advocate for, from their temporary Antarctic grave, the recovery of the well-preserved frozen bodies of Ensign Maxwell Lopez, Naval Aviator, Frederick Williams, Aviation Machinist's Mate 1ST Class, Wendell Hendersin, Aviation Radioman 1ST Class of the ''George 1'' explosion and crash; and

(4) encourages the Department of Defense to review the facts, research and to pursue new efforts to undertake all feasible efforts to recover, identify, and return the well-preserved frozen bodies of the ''George 1'' crew from Antarctica's Thurston Island.

AMENDMENT NO. 25 OFFERED BY MR. PETRI OF WISCONSIN

At the end of subtitle A of title VI, add the following new section:

SEC. 6___. PAYMENT OF BENEFIT FOR NON-PARTICIPATION OF ELIGIBLE MEMBERS IN POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM DUE TO GOVERNMENT ERROR.

(a) PAYMENT OF BENEFIT.—

(1) IN GENERAL.—Subject to subsection (e), the Secretary concerned shall, upon application therefor, make a payment to each individual described in paragraph (2) of $200 for each day of nonparticipation of such individual in the Post-Deployment/Mobilization Respite Absence program as described in that paragraph.

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) was eligible for participation as a member of the Armed Forces in the Post-Deployment/Mobilization Respite Absence program; but

(B) as determined by the Secretary concerned pursuant to an application for the correction of the military records of such individual pursuant to section 1552 of title 10, United States Code, did not participate in one or more days in the program for which the individual was so eligible due to Government error.

(b) DECEASED INDIVIDUALS.—

(1) APPLICATIONS.—If an individual otherwise covered by subsection (a) is deceased, the application required by that subsection shall be made by the individual's legal representative.

(2) PAYMENT.—If an individual to whom payment would be made under subsection (a) is deceased at time of payment, payment shall be made in the manner specified in section 1552(c)(2) of title 10, United States Code.

(c) PAYMENT IN LIEU OF ADMINISTRATIVE ABSENCE.—Payment under subsection (a) with respect to a day described in that subsection shall be in lieu of any entitlement of the individual concerned to a day of administrative absence for such day.

(d) CONSTRUCTION.—

(1) CONSTRUCTION WITH OTHER PAY.—Any payment with respect to an individual under subsection (a) is in addition to any other pay provided by law.

(2) CONSTRUCTION OF AUTHORITY.—It is the sense of Congress that—

(A) the sole purpose of the authority in this section is to remedy administrative errors; and

(B) the authority in this section is not intended to establish any entitlement in connection with the Post-Deployment/Mobilization Respite Absence program.

(e) PAYMENTS SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—No cash payment may be made under subsection (a) unless the funds to be used to make the payments are available pursuant to an appropriations Act enacted after the date of enactment of this Act.

(f) FUNDING OFFSET.—The Secretary of Defense shall transfer $2,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

(g) DEFINITIONS.—In this section, the terms ''Post-Deployment/Mobilization Respite Absence program'' and ''Secretary concerned'' have the meaning given such terms in section 604(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2350).

AMENDMENT NO. 27 OFFERED BY MR. ISRAEL OF NEW YORK

At the end of subtitle C of title VII, add the following new section:

SEC. 725. PILOT PROGRAM ON ENHANCEMENTS OF DEPARTMENT OF DEFENSE EFFORTS ON MENTAL HEALTH IN THE NATIONAL GUARD AND RESERVES THROUGH COMMUNITY PARTNERSHIPS.

(a) PROGRAM AUTHORITY.—The Secretary of Defense may carry out a pilot program to enhance the efforts of the Department of Defense in research, treatment, education, and outreach on mental health and substance use disorders and traumatic brain injury in members of the National Guard and Reserves, their family members, and their caregivers through community partners.

(b) COMMUNITY PARTNERS.—The Secretary of Defense may award grants to community partners described in subsection (c) using a competitive and merit-based award process whereby the awardee agrees to make contributions toward the costs of activities carried out with the grant, from non-Federal sources, an amount equal to not less than $3 for each $1 of funds provided under the grant.

(c) COMMUNITY PARTNER DESCRIBED.—A community partner described in this subsection is a private non-profit organization or institution that engages in one or more of the following:

(1) Research on the causes, development, and innovative treatment of mental health and substance use disorders and traumatic brain injury in members of the National Guard and Reserves, their family members, and their caregivers.

(2) Providing treatment to such members and their families for such mental health and substance use disorders and traumatic brain injury.

(3) Identifying and disseminating evidence-based treatments of mental health and substance use disorders and traumatic brain injury described in paragraph (1).

(4) Outreach and education to such members, their families and caregivers, and the public about mental health and substance use disorders and traumatic brain injury described in paragraph (1).

(d) DURATION.—The duration of the pilot program may not exceed three years.

(e) REPORT.—Not later than 180 days before the completion of the pilot program, the Secretary of Defense shall submit to the Secretary of Veterans Affairs and Congress a report on the results of the pilot program, including the amount of grants so awarded and activities carried out, the number of members of the National Guard and Reserves provided treatment or services by community partners, and a description and assessment of the effectiveness and achievements of the pilot program with respect to research, treatment, education, and outreach on mental health and substance use disorders and traumatic brain injury.

AMENDMENT NO. 28 OFFERED BY MR. POSEY OF FLORIDA

At the end of subtitle B of title IX, add the following new section:

SEC. 916. COMMERCIAL SPACE LAUNCH COOPERATION.

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2276. Commercial space launch cooperation

''(a) AUTHORITY.—The Secretary of Defense may take such actions as the Secretary considers to be in the best interest of the Federal Government to—

''(1) maximize the use of the capacity of the space transportation infrastructure of the Department of Defense by the private sector in the United States;

''(2) maximize the effectiveness and efficiency of the space transportation infrastructure of the Department of Defense;

''(3) reduce the cost of services provided by the Department of Defense related to space transportation infrastructure at launch support facilities and space recovery support facilities;

''(4) encourage commercial space activities by enabling investment by covered entities in the space transportation infrastructure of the Department of Defense; and

''(5) foster cooperation between the Department of Defense and covered entities.

''(b) AUTHORITY FOR CONTRACTS AND OTHER AGREEMENTS RELATING TO SPACE TRANSPORTATION INFRASTRUCTURE.—The Secretary of Defense—

''(1) may enter into an agreement with a covered entity to provide the covered entity with support and services related to the space transportation infrastructure of the Department of Defense; and

''(2) upon the request of such covered entity, may include such support and services in the space launch and reentry range support requirements of the Department of Defense if—

''(A) the Secretary determines that the inclusion of such support and services in such requirements—

''(i) is in the best interest of the Federal Government;

''(ii) does not interfere with the requirements of the Department of Defense; and

''(iii) does not compete with the commercial space activities of other covered entities, unless that competition is in the national security interests of the United States; and

''(B) any commercial requirement included in the agreement has full non-Federal funding before the execution of the agreement.

''(c) CONTRIBUTIONS.—

''(1) IN GENERAL.—The Secretary of Defense may enter into an agreement with a covered entity on a cooperative and voluntary basis to accept contributions of funds, services, and equipment to carry out this section.

''(2) USE OF CONTRIBUTIONS.—Any funds, services, or equipment accepted by the Secretary under this subsection—

''(A) may be used only for the objectives specified in this section in accordance with terms of use set forth in the agreement entered into under this subsection; and

''(B) shall be managed by the Secretary in accordance with regulations of the Department of Defense.

''(3) REQUIREMENTS WITH RESPECT TO AGREEMENTS.—An agreement entered into with a covered entity under this subsection—

''(A) shall address the terms of use, ownership, and disposition of the funds, services, or equipment contributed pursuant to the agreement; and

''(B) shall include a provision that the covered entity will not recover the costs of its contribution through any other agreement with the United States.

''(d) DEFENSE COOPERATION SPACE LAUNCH ACCOUNT.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a special account to be known as the 'Defense Cooperation Space Launch Account'.

''(2) CREDITING OF FUNDS.—Funds received by the Secretary of Defense under subsection (c) shall be credited to the Defense Cooperation Space Launch Account.

''(3) USE OF FUNDS.—Funds deposited in the Defense Cooperation Space Launch Account under paragraph (2) are authorized to be appropriated and shall be available for obligation only to the extent provided in advance in an appropriation Act for costs incurred by the Department of Defense in carrying out subsection (b). Funds in the Account shall remain available until expended.

''(e) ANNUAL REPORT.—Not later than January 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the funds, services, and equipment accepted and used by the Secretary under this section during the preceding fiscal year.

''(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

''(g) DEFINITIONS.—In this section:

''(1) COVERED ENTITY.—The term 'covered entity' means a non-Federal entity that—

''(A) is organized under the laws of the United States or of any jurisdiction within the United States; and

''(B) is engaged in commercial space activities.

''(2) LAUNCH SUPPORT FACILITIES.—The term 'launch support facilities' has the meaning given the term in section 50501(7) of title 51.

''(3) SPACE RECOVERY SUPPORT FACILITIES.—The term 'space recovery support facilities' has the meaning given the term in section 50501(11) of title 51.

''(4) SPACE TRANSPORTATION INFRASTRUCTURE.—The term 'space transportation infrastructure' has the meaning given that term in section 50501(12) of title 51.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2276. Commercial space launch cooperation.''.

AMENDMENT NO. 40 OFFERED BY MR. BISHOP OF NEW YORK

At the end of title X, add the following new section:

SEC. 1084. THE HOUSE OF REPRESENTATIVES HONORS.

(a) FINDINGS.—The House of Representatives finds the following:

(1) The spread of warfare across Europe and Asia led to the establishment on May 20, 1941, of the United States Office of Civilian Defense by Executive Order 8757 of President Franklin D. Roosevelt, to ''assure effective coordination of Federal relations with State and local governments engaged in defense activities, to provide for necessary cooperation with States and local governments in respect to measures for adequate protection of the civilian population in emergency periods, to facilitate constructive civilian participation in the defense program, and to sustain national morale''.

(2) The December 7, 1941, attack by the Empire of Japan on Pearl Harbor, Hawaii, precipitated the entry of the United States into the worldwide conflict and signaled a new era of warfare that demanded new efforts to protect the people of the United States from airborne assault by an overseas enemy.

(3) In response to this new threat, the United States Office of Civilian Defense mobilized millions of volunteers to participate in efforts to enhance the preparedness of the United States in case of attack, including fire protection, communication and logistics, construction of bomb shelters, and air raid blackout drills.

(4) Thousands of Americans unable to serve in the United States Armed Forces volunteered their service as Air Raid Wardens in communities across the United States during World War II, contributing to America's defense against potential enemy assault and the ultimate victory of the Allied nation.

(5) A training manual distributed to Air Raid Wardens during World War II noted that ''In the system of civilian defense, the Air Raid Warden occupies the key position. He is the field officer under whose supervision the efforts of the civilian population are directed in the tremendous task of effective defense. Through the Air Raid Wardens, civilian activity is coordinated with that of the police and fire departments and other vital services.''

(6) Training manuals distributed to Air Raid Wardens included ''I am an Air Raid Warden'', by Frank W. Atherton, Chief Air Raid Warden, 1st District, United States Citizens' Defense Corps of Michigan, which read, in part that ''I am an Air Raid Warden. My country, my state and my community have given me many pleasant and fruitful years and now in time of trouble I feel that it is my duty to do my part in the work assigned to me in helping to reduce to a minimum any harm that may come from without or within.''

(7) Tony Pastor and His Orchestra released a song in 1942, titled ''Obey Your Air Raid Warden'', which was widely distributed as a public service announcement and contained the following lyrics: ''One, be calm. Two, get under shelter. Three, don't run. Obey your air-raid warden. Four, stay home. Five, keep off the highway. Six, don't phone. Obey your air-raid warden. There are rules that you should know, What to do and where to go, When you hear the sirens blow, Stop, look, and listen. Seven, don't smoke. Eight, help all the kiddies. Most of all, obey your air-raid warden. Stop, look, and listen. Dim the lights, Wait for information, Most of all, obey your air-raid warden. Stop the panic, Don't get in a huff, Our aim today is to call their bluff. Follow these rules and that is enough. Obey your air-raid warden.''

(b) THE HOUSE OF REPRESENTATIVES HONORS.—The House of Representatives encourages surviving Air Raid Wardens and other volunteers of the United States Office of Civilian Defense during the World War II to record and permanently preserve stories of their service for future generations.

AMENDMENT NO. 43 OFFERED BY MR. ELLISON OF MINNESOTA

At the end of subtitle D of title XII of division A of the bill, add the following:

SEC. 12xx. LIMITATION ON ASSISTANCE TO PROVIDE TEAR GAS OR OTHER RIOT CONTROL ITEMS.

None of the funds authorized to be appropriated by this Act may be used to provide tear gas or other riot control items to the government of a country undergoing a transition to democracy in the Middle East or North Africa unless the Secretary of Defense certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that the security forces of such government are not using excessive force to repress peaceful, lawful, and organized dissent.

AMENDMENT NO. 57 OFFERED BY MR. TURNER OF OHIO

Page 831, strike lines 8 through 13 and insert the following: ''the Administrator shall prescribe appropriate policies and regulations to ensure the adequate protection of the health and safety of the employees of the Administration, contractors of the Administration, and the public. Such policies and regulations shall be based upon risk whenever sufficient data exists.''.

Page 831, after line 22, insert the following new paragraph:

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed to cause a reduction in nuclear safety standards.''.

Page 922, beginning line 18, strike ''ensure'' and all that follows through ''protected.'' on line 23 and insert the following: ''ensure the adequate protection of public health and safety at defense nuclear facilities of the Department of Energy. Such analysis, advice, and recommendations shall be based upon risk whenever sufficient data exists.''.

Page 923, line 2, insert ''and'' after the semicolon.

Page 923, strike lines 3 through 13.

Page 923, line 14, strike ''(iv)'' and insert ''(ii)''.

Page 923, strike lines 15 through 21.

Page 923, line 22, strike ''(II)'' and insert ''(I)''.

Page 923, line 23, insert ''risk (whenever sufficient data exists)'' after ''assess''.

Page 924, line 1, strike ''(III)'' and insert ''(II)''.

Page 931, after line 4, insert the following new subsection:

(h) SAFETY STANDARDS.—Nothing in this section nor in the amendments made by this section shall be construed to cause a reduction in nuclear safety standards.

AMENDMENT NO. 74 OFFERED BY MS. CHU OF CALIFORNIA

At the end of section 535, relating to efforts to prevent and respond to hazing incidents involving members of the Armed Forces, add the following new subsections:

(f) ANNUAL REPORTING REQUIREMENT.—

(1) IN GENERAL.—The database required by subsection (b) shall be used to develop and implement an annual congressional report.

(2) REPORTS REQUIRED.—Not later than January 15 of each year, the Secretary of Defense and the Secretary of Homeland Security (with respect to the Coast Guard) shall submit to the designated congressional committees a report on the hazing incidents involving members of the Armed Forces during the preceding year.

(3) ELEMENTS.—Each report shall include the following:

(A) an assessment by the Secretaries of the implementation during the preceding year of the policies and procedures of each Armed Force on the prevention of and response to hazing involving members of the Armed Forces in order to determine the effectiveness of such policies and procedures.

(B) Data on the number of alleged and substantiated hazing incidents within each Armed Force that occurred that year, including the race, gender and Armed Force of the victim and offender, the nature of the hazing, and actions taken to resolve and address the hazing.

(g) COMPTROLLER GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the designated congressional committees a report on the policies to prevent hazing and systems initiated to track incidents of hazing in each of the Armed Forces, including officer cadet schools, military academies, military academy preparatory schools, and basic training and professional schools for enlisted members.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An evaluation of the definition of hazing used pursuant to subsection (e).

(B) A description of the criteria used, and the methods implemented, in the systems to track incidents of hazing in the Armed Forces.

(C) An assessment of the following:

(i) The scope of hazing in each Armed Force.

(ii) The policies in place and the training on hazing provided to members throughout the course of their careers for each Armed Force.

(iii) The actions taken to mitigate hazing incidents in each Armed Force.

(iv) The effectiveness of the training and policies in place regarding hazing.

(v) The number of alleged and substantiated incidents of hazing over the last five years for each Armed Force, the nature of these cases and actions taken to address such matters through non-judicial and judicial action.''

(D) An evaluation of the additional actions, if any, the Secretary of Defense and the Secretary of Homeland Security propose to take to further address the incidence of hazing in the Armed Forces.

(E) Such recommendations as the Comptroller General considers appropriate for improving hazing prevention programs, policies, and other actions taken to address hazing within the Armed Forces.

(h) DESIGNATED CONGRESSIONAL COMMITTEES DEFINED.—In subsections (f) and (g), the term ''designated congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Commerce, Science and Transportation of the Senate; and

(2) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives.

AMENDMENT NO. 83 OFFERED BY MS. SLAUGHTER OF NEW YORK

At the end of subtitle H of title V, add at the end the following new section:

SEC. 5___. CORRECTION OF MILITARY RECORDS OF MEMBERS OF THE ARMED FORCES WHO EXPERIENCE RETALIATORY PERSONNEL ACTIONS FOR MAKING A REPORT OF SEXUAL ASSAULT OR SEXUAL HARASSMENT.

The Secretary of Defense shall conduct a general education campaign to notify members of the Armed Forces regarding the authorities available under chapter 79 of title 10, United States Code, for the correction of military records when a member experiences any retaliatory personnel action for making a report of sexual assault or sexual harassment.

AMENDMENT NO. 95 OFFERED BY MR. LARSEN OF WASHINGTON

Strike section 818 and insert the following:

SEC. 818. ASSESSMENT AND REPORT RELATING TO INFRARED TECHNOLOGY SECTORS.

(a) ASSESSMENT.—The Secretary of Defense, in conjunction with the sector-by-sector, tier-by-tier review conducted by the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy, shall conduct an assessment of the health and status of various national defense infrared technology sectors, including technology such as focal plane arrays sensitive to infrared wavelengths, read-out integrate circuits, cryogenic coolers, Dewar technology, infrared sensor engine assemblies, and infrared imaging systems.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the findings of the assessment within 90 days after the date of the enactment of this Act.

AMENDMENT NO. 97 OFFERED BY MR. MURPHY OF CONNECTICUT

At the end of title VIII, add the following new section:

SEC. 833. CONSIDERATION AND VERIFICATION OF INFORMATION RELATING TO EFFECT ON DOMESTIC EMPLOYMENT OF AWARD OF DEFENSE CONTRACTS.

(a) IN GENERAL.—Section 2305(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6)(A) The head of an agency, in issuing a solicitation for competitive proposals, shall state in the solicitation that the agency may consider information (in this paragraph referred to as a 'jobs impact statement') that the offeror may include in its offer related to the effects on employment within the United States of the contract if it is awarded to the offeror.

''(B) The information that may be included in a jobs impact statement may include the following:

''(i) The number of jobs expected to be created in the United States, or the number of jobs retained that otherwise would be lost, if the contract is awarded to the offeror.

''(ii) The number of jobs created or retained in the United States by the subcontractors expected to be used by the offeror in the performance of the contract.

''(iii) A guarantee from the offeror that jobs created or retained in the United States will not be moved outside the United States after award of the contract.

''(C) The contracting officer may consider the information in the jobs impact statement in the evaluation of the offer.

''(D) The agency may request further information from the offeror in order to verify the accuracy of the information in the jobs impact statement.

''(E) In the case of a contract awarded to an offeror that submitted a jobs impact statement with the offer for the contract, the agency shall, not later than six months after the award of the contract and annually thereafter for the duration of the contract or contract extension, assess the accuracy of the jobs impact statement.

''(F) The Secretary of Defense shall submit to Congress an annual report on the frequency of use within the Department of Defense of jobs impact statements in the evaluation of competitive proposals.''.

(b) REVISION OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised to implement the amendment made by this section.

AMENDMENT NO. 102 OFFERED BY MR. LARSEN OF WASHINGTON

At the end of subtitle E of title X, add the following new section:

SEC. 1065A. BUDGET REQUIREMENTS ASSOCIATED WITH SUSTAINING AND MODERNIZING THE NUCLEAR DETERRENT.

Section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1576) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by amending subparagraph (F) to read as follows:

''(F) In accordance with paragraph (3), a detailed estimate of the budget requirements associated with sustaining and modernizing the nuclear deterrent of the United States and the nuclear weapons stockpile of the United States, including the costs associated with the plans outlined under subparagraphs (A) through (E), over the 10-year period following the date of the report, including the applicable and appropriate costs associated with—

''(i) training;
''(ii) basing;
''(iii) security;
''(iv) testing;
''(v) research;
''(vi) development;
''(vii) deployment;
''(viii) transportation;
''(ix) personnel;
''(x) overhead; and
''(xi) other appropriate matters.''; and

(B) by adding at the end the following new paragraph:

''(3) DETAILED BUDGET ESTIMATE CONTENTS.—Each budget estimate under paragraph (2)(F) shall include a detailed description of the matters included in such estimate, the rationale for including such matters, and the cost listed by location. Such costs listed by location shall be submitted in the form of a classified annex in accordance with subsection (b).''; and

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

''(c) COMPTROLLER GENERAL.—The Comptroller General of the United States shall—

''(1) review each report under subsection (a) for accuracy and completeness with respect to the matters described in paragraphs (2)(F) and (3) of such subsection; and

''(2) not later than 180 days after the date on which such report under subsection (a) is submitted, submit to the congressional defense committees a summary of each such review.''.

AMENDMENT NO. 107 OFFERED BY MR. LEWIS OF GEORGIA

At the end of title X, add the following new section:

SEC. 10___. COST OF WARS.

The Secretary of Defense, in consultation with the Commissioner of the Internal Revenue Service and the Director of the Bureau of Economic Analysis, shall post on the public Web site of the Department of Defense the costs, including the relevant legacy costs, to each American taxpayer of each of the wars in Afghanistan and Iraq.

AMENDMENT NO. 126 OFFERED BY MR. SMITH OF WASHINGTON

At the end of title XII of division A of the bill, add the following:

Subtitle E—Authority to Remove Satellites and Related Components and Technology From the United States Munitions List

SEC. 1241. AUTHORITY TO REMOVE SATELLITES AND RELATED COMPONENTS AND TECHNOLOGY FROM THE UNITED STATES MUNITIONS LIST.

(a) AUTHORITY.—Subject to subsection (b), the President is authorized to remove commercial satellites and related components and technology from the United States Munitions List, consistent with the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

(b) DETERMINATION.—The President may exercise the authority provided in subsection (a) only if the President submits to the appropriate congressional committees a determination that the transfer of commercial satellites and related components and technology from the United States Munitions List does not pose an unacceptable risk to the national security of the United States. Such determination shall include a description of the risk-mitigating controls, procedures, and safeguards the President will put in place to reduce such risk to an absolute minimum.

(c) PROHIBITION.—No license or other authorization for export shall be granted for the transfer, retransfer, or reexport of any commercial satellite or related component or technology contained on the Commerce Control List to any person or entity of the following:

(1) The People's Republic of China.
(2) Cuba.
(3) Iran.
(4) North Korea.
(5) Sudan.
(6) Syria.
(7) Any other country with respect to which the United States would deny the application for licenses and other approvals for exports and imports of defense articles under section 126.1 of the International Traffic in Arms Regulations.

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the appropriate congressional committees on efforts of state sponsors of terrorism, other foreign countries, or entities to illicitly acquire commercial satellites and related components and technology.

(2) FORM.—Such report shall be submitted in unclassified form, but may contain a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEE DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the

Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1242. REPORT ON LICENSES AND OTHER AUTHORIZATIONS TO EXPORT COMMERCIAL SATELLITES AND RELATED COMPONENTS AND TECHNOLOGY CONTAINED ON THE COMMERCE CONTROL LIST.

(a) IN GENERAL.—Not later than 60 days after the end of each calendar quarter, the President shall transmit to the Committee on Banking, Finance, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report containing a listing of all licenses and other authorizations to export commercial satellites and related components and technology contained on the Commerce Control List.

(b) FORM.—Such report shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1243. REVIEW OF UNITED STATES MUNITIONS LIST.

Section 38(f)(1) of the Arms Export Control Act (22 U.S.C. 2778(f)(1)) is amended by striking the last sentence and inserting the following: ''Such notice shall include, to the extent practicable, an enumeration of the item or items to be removed and describe the nature of any controls to be imposed on the item or items under any other provision of law.''.

SEC. 1244. REPORT ON COUNTRY EXEMPTIONS FOR LICENSING OF EXPORTS OF MUNITIONS AND RELATED TECHNICAL DATA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Attorney General and Secretary of Homeland Security shall submit to the appropriate congressional committees a report that contains an assessment of the extent to which the terms and conditions of an exemption for foreign countries from the licensing requirements of the Commerce Munitions List (or analogous controls for commercial satellites and related components and technology) contain strong safeguards.

(b) MATTERS TO BE INCLUDED.—The report shall include a compilation of sufficient documentation relating to the export of munitions, commercial spacecraft, and related technical data to facilitate law enforcement efforts to effectively detect, investigate, deter, and enforce criminal violations of any provision of the Export Administration Regulations, including efforts on the part of state sponsors of terrorism, other foreign countries, or entities to illicitly acquire such controlled United States technology.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1245. END-USE MONITORING OF MUNITIONS AND RELATED TECHNICAL DATA.

(a) ESTABLISHMENT OF MONITORING PROGRAM.—In order to ensure accountability with respect to the export of munitions and related technical data on the Commerce Munitions List, the President shall establish a program to provide for the end-use monitoring of such munitions and related technical data.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report describing the actions taken to implement this section, including a detailed accounting of the costs and number of personnel associated with the program established under subsection (a).

SEC. 1246. INTERAGENCY PROCESS FOR MODIFICATION OF CATEGORY XV OF THE UNITED STATES MUNITIONS LIST.

(a) INTERAGENCY REVIEW.—Subject to the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)), the President shall ensure that, through interagency procedures or regulations, the Secretary of State, the Secretary of Defense, the Secretary of Commerce, and as appropriate the Director of National Intelligence concur on all subsequent modifications to Category XV of the United States Munitions List (relating to spacecraft systems and associated equipment).

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report on the results of the interagency reviews required by subsection (a).

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

(A) A review of the space and space-related technologies currently on the United States Munitions List, to include satellite systems, dedicated subsystems, and components.

(B) An assessment of the national security risks of removing certain space and space-related technologies identified under subparagraph (A) from the United States Munitions List.

(C) An examination of the degree to which other nations' export control policies control or limit the export of space and space-related technologies for national security reasons.

(D) Recommendations for—

(i) the space and space-related technologies that should remain on, or may be candidates for removal from, the United States Munitions List based on the national security review required under subsection (a);

(ii) the safeguards and verifications necessary to—

(I) prevent the proliferation and diversion of such space and space-related technologies;

(II) confirm appropriate end use and end users; and

(III) minimize the risk that such space and space-related technologies could be use in foreign missile, space, or other applications that could pose a threat to the security of the United States; and

(iii) improvements to the space export control policy and processes of the United States that do not adversely affect United States national security.

(E) A description of and recommendations regarding how the United States industrial base and United States national security could be enhanced and strengthened through reforms to and amendments of export control laws and regulations.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

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

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

SEC. 1247. DEFINITIONS.

In this subtitle:

(1) COMMERCE MUNITIONS LIST.—The term ''Commerce Munitions List'' means items transferred from the United States Munitions List to the Commerce Control List and designated as ''600 series'' items on the Commerce Control List under the Export Administration Regulations, as proposed by the Bureau of Industry and Security of the Department of Commerce on July 15, 2011 (76 Fed. Reg. 41958), or any successor regulations.

(2) COMMERCIAL SATELLITES AND RELATED COMPONENTS AND TECHNOLOGY.—The term ''commercial satellites and related components and technology'' means—

(A) communications satellites that do not contain classified components, including remote sensing satellites with performance parameters below thresholds identified on the United States Munitions List; and

(B) systems, subsystems, parts, and components associated with such satellites and with performance parameters below thresholds specified for items that would remain on the United States Munitions List.

(3) EXPORT ADMINISTRATION REGULATIONS.—The term ''Export Administration Regulations'' means the Export Administration Regulations as maintained and amended under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or any successor regulations.

(4) STATE SPONSOR OF TERRORISM.—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, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law.

(5) UNITED STATES MUNITIONS LIST.—The term ''United States Munitions List'' means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from California (Mr. MCKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chairman, I urge the Committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

Mr. Chair, I yield, at this time, 1 minute to the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. I want to thank Chairman MCKEON and also Ranking Member SMITH for all their work in putting this bill together.

My amendment, which is included in the en bloc, will address the repercussions of the expansion of sea otters into the southern California coastal waters. With the official termination of the sea otter containment zone by the Fish and Wildlife Service, sea otters will begin to migrate south. As they do this, they will be invading U.S. Naval testing areas.

While I fully support the recovery efforts of the sea otter, this does not have to happen at the expense of our national security.

By creating military readiness areas around San Nicolas Island, San Clemente Island, and the shores off Camp Pendleton, sea otters will be able to expand their range. At the same time, the Navy will be able to maintain

their incidental-taking exemption, which allows the Navy to continue their operation off the southern California coast without harming our national security.

Further, while implementing a plan for the recovery of sea otters, the Fish and Wildlife Service will have to coordinate with the Navy and the Department of Commerce on recovery efforts for other endangered and threatened species, and the State of California can continue a viable commercial harvest of fisheries.

The Acting CHAIR. The time of the gentleman has expired.

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

Mr. GALLEGLY. I urge support of this en bloc amendment.

Mr. SMITH of Washington. Mr. Chairman, I yield myself 1 minute.

Just to respond to the arguments of the gentleman from Texas, if an al Qaeda terrorist comes to the U.S., whether they're an illegal alien or not, frankly, we want them arrested, tried, and convicted. All we want to do is make sure that they actually are a terrorist before we do that, to have a process in place so that the President doesn't have that power to simply lock somebody up without due process and a trial.

And then the argument about how we are bestowing upon illegal aliens constitutional rights. I've got bad news for the gentleman from Texas. We aren't bestowing anything. The United States Constitution bestows upon them those rights.

The United States Constitution says any person in the U.S., not citizen, not legal, illegal, it doesn't matter. So if he has a beef, he has a beef with James Madison and everybody else who supported the Constitution.

And we hear constantly from that side, strict interpretation, the Constitution must be adhered to. The Constitution says any person, not any lawful resident or any citizen. The United States Constitution clearly triggers that. We're not creating anything. In fact, the Gohmert amendment goes outside the Constitution by creating rights that aren't contemplated in here, separating people in this country in terms of who should get what rights. It's in the Constitution: any person.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chair, I yield 1 minute to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I appreciate, again, the strong views of the distinguished ranking member. I would just say there is a real difference of opinion about to what extent U.S. constitutional rights, which each of us, as citizens, are privileged to have, are bestowed upon any illegal alien, as soon as they set foot in this country.

Now, there are places in the Constitution it says ''persons.'' There are other places it talks about ''accused.'' But I would point back to some of the very case law from the Supreme Court such as the Hamdan decision, which references the differences in procedure that due process requires for a citizen versus a noncitizen. It is not a clear-cut thing to say that as soon as you set foot on this soil, then you have the right to remain silent.

And the part that the gentleman—the other concern that many of us have is when you say you've got the right to remain silent, that prevents us from getting the intelligence, the information that prevents the attack of your buddy, the guy next to you. That's got to be factored in here too.

Mr. SMITH of Washington. I would just point out that Mirandized or not, nobody has to speak, and a ton of information has come out of people after they were Mirandized.

With that, I yield 1 minute to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank the ranking member for yielding.

I rise in strong support of the en bloc amendment which includes my amendment. It requires the Secretary of Defense, the IRS, and Commerce to calculate the total cost of the wars in Afghanistan and Iraq to each American taxpayer.

My amendment is about truth and transparency. Americans need to know how their taxes are being spent so we can make informed decisions about our budget. Even if you do not oppose war, don't you want to know what it costs you, your children, your grandchildren, and your great grandchildren?

For too long there has been a big, fat, blank check for war. We need to be honest with ourselves. We need to be honest with each other.

Mr. Chairman, I hope all of my colleagues will support the Lewis amendment in this en bloc package.

□ 1530

Mr. MCKEON. Mr. Chairman, at this time, I yield 2 minutes to the gentlewoman from California (Mrs. BONO MACK) for the purpose of a colloquy.

Mrs. BONO MACK. I thank the gentleman for this colloquy. I would like to first thank him, my good friend from California, for his leadership and for his hard work in crafting this bill in support of our men and women in the military.

Mr. Chairman, as you know, these men and women sacrifice their lives to guarantee our safety. In return, it is our responsibility to provide the best possible care for them. Specifically, I am returning to an issue of growing importance to our country, and that is protecting our military men and women from the detrimental effects of prescription drug misuse. Because of the physical and emotional hardships we place on our troops, they are at an increased risk for using prescription drugs and, therefore, of misusing prescription drugs.

I was encouraged to see the recommendations made by the Pain Management Task Force at DOD to mitigate the risk of prescription drug abuses and dependence in pain patients, and I would like to work with you, Mr. Chairman, and the committee to ensure that the Department of Defense and the Veterans Administration adopt these recommendations as quickly as possible.

Mr. Chairman, I thank you again for your help, and I look forward to working with you as the National Defense Authorization Act moves into conference.

I yield to the gentleman from California.

Mr. MCKEON. I do agree that protecting our men and women in the military from the detrimental effects of prescription drug misuse, especially protecting our combat-wounded servicemembers, is of vital importance.

As the gentlelady knows, the committee report of H.R. 4310 includes an item of special interest that expresses the support for substance abuse treatment programs within the military services and that encourages the Department of Defense to pursue research aimed at developing new treatments to help our troops who are struggling with the devastating problem.

I will be happy to work with the gentlewoman from California to consider the appropriate measures to address this critical issue.

Mr. SMITH of Washington. I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman.

As cofounder of the bipartisan Working Group on Export Controls, I want to thank my colleagues for their hard work to address this system, which was created in the midst of the Cold War but remained relatively unchanged despite the amazing advance of technology, which has rendered much of it obsolete.

We have an opportunity for reform by supporting the administration's initiatives to deliver greater clarity and efficiency. I think your amendment makes progress.

I have three concerns:

Provisions, first of all, that deal with the requirement the administration may be called upon to specify—individually—hundreds of thousands of parts that will be transferred, a requirement that may be impossible to comply with;

The amendment includes seven new reporting requirements of little use but taking valuable time away from enforcement;

And finally, the amendment would remove the President's existing authority, in place since 1998, to waive restriction on satellite exports, limiting his ability to conduct foreign policy.

I commend the good work that is in the bill, and hope that these provisions can be addressed as the legislation moves forward.

Mr. MCKEON. I continue to reserve the balance of my time.

Mr. SMITH of Washington. At this time, I yield 1 minute to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I appreciate the gentleman for yielding.

I rise to express my concern that an amendment offered by Mr. TURNER that is contained in the en bloc amendments does not cure provisions in the underlying bill that weaken the enforcement of worker health and safety and that create a self-regulation regime for contractors at the National Nuclear Security Administration, which, I believe, will place profit above safety. Section 3115 would move the enforcement of worker health and safety from DOE's Office of Health, Safety and Security to the National Nuclear Security Administration.

Additionally, the legislation restricts the oversight authority of the Defense Nuclear Facilities Safety Board, which is a board that has played a vital role in independently addressing worker safety and whistleblower issues at large DOE projects.

To support my position, I would quote from this year's House Committee on Appropriations report accompanying the fiscal year 2013 energy and water bill:

The committee believes that having an independent assessment capability at the Department is important and supports the role of HSS.

Mr. MCKEON. I continue to reserve the balance of my time.

Mr. SMITH of Washington. I yield 1 minute to the gentlelady from Maine (Ms. PINGREE).

Ms. PINGREE of Maine. I thank the ranking member for yielding his time.

Mr. Chairman, the amendment I am sponsoring today sends a loud and clear message to the Departments of Defense and Veterans Affairs.

It sends a message that we recognize that the problem of sexual assault in the military is real and significant. It sends a message that the VA should live up to its promise and remove the barriers to benefits for victims. But, most importantly, it sends a message to the survivors.

The men and women I have met with who volunteered to serve were dedicating their lives to military careers when they suddenly found out their worlds were crashing in on them when they became victims of sexual assault. It sends a message to them that we hear them, that we recognize the pain and the injustice they have suffered and that we will not stand for it.

I met with Secretary Panetta recently, and I know he understands this problem and is committed to changing the culture, but we cannot call that good enough. We need to say, in no uncertain terms, that we will not allow the men and women who wear the uniform to become victims of sexual assault and that we will not forget those who waited too long for the benefits they deserve.

Mr. MCKEON. May I inquire as to how much time we have remaining?

The Acting CHAIR. The gentleman from Washington has 5 minutes remaining. The gentleman from California has 6¼ minutes remaining.

Mr. MCKEON. I continue to reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. I thank the ranking member.

I rise today to support my amendment, No. 97, originally introduced as the American Jobs Matter Act, that is included in this en bloc package. This amendment will finally allow American manufacturers to compete fairly for Department of Defense contracts.

My State, which has built submarines for the Navy and has supplied our Armed Forces for generations, has lost about 130,000 manufacturing jobs in the last 20 years, and this country has lost about 6 million. At the same time, the Department of Defense, which is the largest purchaser of goods in the world, has been aggressively outsourcing work to foreign firms.

Instead of finding ways to get around the Buy America law, the DOD should be doing more to help protect manufacturing jobs here at home. When we lose the capacity to produce an item that our military needs, we put ourselves at risk, and we also lose jobs.

This amendment simply allows for the Federal Government to consider the number of jobs being created here in the United States as a part of a bid for U.S. defense work. Frankly, most of my constituents and our constituents probably think this already happens, but this is an important amendment for job creation and also for U.S. national security.

I would like to thank Chairman MCKEON and Ranking Member SMITH for their willingness to work together on this issue.

Mr. MCKEON. I continue to reserve the balance of my time.

Mr. SMITH of Washington. I yield 1 minute to the gentlelady from California (Ms. CHU).

Ms. CHU. I have a personal reason for offering this amendment. My nephew was a victim of military hazing, and it killed him.

Harry Lew was serving in the Marines in Afghanistan when his peers ordered him to dig a foxhole, to do push-ups, like crunches and planks, with his heavy, full body armor and a 25-pound sandbag. They stomped, kicked, and punched him, and poured the entire contents of the sandbag onto his face and in his mouth. It lasted a full 3 hours and 20 minutes. Twenty minutes later, he committed suicide.

I thank Chairmen MCKEON and WILSON and Ranking Member SMITH because this bill takes the most significant steps to protect servicemembers from hazing—ever.

My amendment adds a GAO report so we can have an objective analysis of the DOD's antihazing policies. It also adds an annual report to Congress on what the DOD is doing to prevent hazing so that we can ensure there is real accountability.

Mr. MCKEON. We have no further requests for time, so I continue to reserve the balance of my time.

Mr. SMITH of Washington. I yield back the balance of my time.

Mr. MCKEON. I encourage all Members to support the en bloc amendments, and I yield back the balance of my time.

Mr. MANZULLO. Mr. Chair, this amendment has been a long time in coming. Congress overreacted back in 1998 to move export licensing decisions for commercial communication satellites (COMSATs) to the highly restrictive munitions list. As a result, worldwide market share for U.S.-made commercial communications satellites dropped from 75 percent to an average of just 44 percent over the past 13 years. As a result, the Aerospace Industries Association (AIA) estimated last January that U.S. manufacturers lost $21 billion in satellite revenue from 1999 to 2009, costing about 9,000 direct jobs annually because of treating exports of COMSATs, along with satellite parts and components, like military weaponry.

In addition, this Congressional overreaction harmed our national security because it hurt our U.S. space industrial base, particularly component manufacturers. These firms became less globally competitive because stringent export controls provide a perverse incentive to foreign satellite makers to design out U.S. parts. Thus, as these U.S. component makers struggle to sell their product in the commercial marketplace, they become less able to meet the national security needs of the U.S. government. A 2011 analysis of the U.S. space industrial base by the respected Tauri Group documented that out of 135 U.S. space hardware manufacturers, 28 technology areas are at some risk of disappearing from our shores because of limited suppliers.

The so-called ''Section 1248'' report recently released to Congress by the Departments of Defense and State on the risk assessment of U.S. space export control policy also documented that 95.7 percent of all export licenses for satellite parts and components in 2011 going to partners and allies were approved with no additional provisos or restrictions. Four percent were approved with conditions. Only 0.3 percent—or a total of six licenses—was denied. These 4.3 percent of applications will still be captured under the new satellite export licensing system proposed by the Administration. In other words, we waste valuable time and resources by processing licenses for satellite parts and components that involve little or no national security risk. The current licensing system detracts from efforts to stop true threats to our national security.

As a long time leader and proponent of sensible export control reform within the confines of protecting national security, I commend this bipartisan amendment. This proposal would have never come together without the support of the ranking Democratic Member of the House Foreign Affairs Committee, HOWARD BERMAN, along with my Chairman, ILEANA ROS-LEHTINEN. I want to particularly thank Representative BERMAN for asking me to be the principle Republican co-sponsor of the Safeguarding United States Satellite Leadership and Security Act of 2011 (H.R. 3288) that forms the underlying basis for this amendment.

However, this amendment isn't perfect. Some stakeholders have raised concerns

about the wording of certain phrases in this amendment and the plethora of reports it requires. Some of the concerns may be overblown but I am optimistic that these issues can be worked out with further tweaks to the language. I pledge my support and effort to help further ameliorate these concerns as the NDAA moves through the legislation process.

Again, Mr. Chair, I urge my colleagues to support this bipartisan compromise and vote for the first en bloc manager's amendment.

Mr. LEWIS of Georgia. Mr. Chair, I rise in strong support of the en bloc amendment, which includes my amendment. It requires the Secretary of Defense, the IRS, and Commerce to calculate the total cost of the wars in Afghanistan and Iraq to each American taxpayer.

My amendment is about truth and transparency. Americans need to know how their taxes are being spent, so we can make informed decisions about our budget.

Even if you do not oppose war, don't you want to know what it costs you, your children, your grandchildren, and your great-grandchildren?

For too long, there has been a big, fat blank check for war. We need to be honest with ourselves. We need to be honest with each other.

Mr. Chair, I hope all of my colleagues will support the Lewis amendment and this en bloc package.

Mr. PETRI. Mr. Chair, I urge my colleagues to join me and Representative KIND in correcting a government error and ending bureaucratic impediments that are keeping soldiers from receiving their earned benefits.

Quite simply, the Petri-Kind amendment, which is included in this en bloc amendment, would pay approximately 575 National Guardsmen for the vacation days they earned through the Post Deployment Mobilization Respite Absence program that they were unable to take after their last deployment due to government error. Some have not been reimbursed for as long as five years.

The problem occurred when the Defense Department did not issue the guidelines for calculating this benefit until several months after it went into effect. Some soldiers demobilizing during this time did not have these additional days added to their leave. Many of them have since retired or are not deploying again and are unable to use their earned vacation days.

This effort is a national problem, affecting Army National Guardsmen in 34 states. Unfortunately, soldiers in Wisconsin are affected more than those in any other state with 80 Wisconsin Army National Guardsmen impacted, most of whom are members of the 1157th Transportation Company based in Oshkosh. As I speak, this unit is once again serving overseas after deploying to Afghanistan just last month. I thank the entire Wisconsin delegation for their support of this amendment, as well as the National Guard Association of the United States.

This amendment is similar to Representative KLINE's bill, H.R. 4045, which passed by voice vote in the House Tuesday night to pay a much larger group of soldiers who also did not receive the pay they were promised.

Mr. Chair, we have a moral obligation to ensure that our men and women serving in the military receive the benefits they are due. I appreciate the support give to this amendment by the House Armed Services Committee and urge it's passing by the entire House.

Mr. VISCLOSKY. Mr. Chair, I rise to express my concerns with an amendment offered by Mr. TURNER contained in the en bloc amendment. I do not believe the Turner Amendment cures provisions of the underlying bill that weaken enforcement of worker health and safety, and create a self regulation regime for contractors at the National Nuclear Security Administration (NNSA). I believe these provisions place profit above safety.

Specifically, Section 3115 of H.R. 4310 would move enforcement of worker health and safety from Department of Energy's Office of Health, Safety and Security (HSS) to NNSA. Taking away the independent oversight that HSS provides at NNSA facilities is a mistake.

The House Committee on Appropriations in its report for the Fiscal Year 2013 Energy and Water bill was very clear on the value of HHS. It states, ''The Committee believes that having an independent assessment capability at the Department is important and supports the role of HSS in the areas of nuclear safety, worker safety and health, safeguards and security, cyber security and emergency management. The Committee agrees that the responsibility for protecting workers, the public, the environment, and national security assets rests with the Department's line management organizations. However, it is critical that the Department preserve the HSS authority to independently assess Departmental compliance and performance and to have access to and cooperation from all Departmental programs.''

Additionally, the legislation restricts the oversight authority of the Defense Nuclear Facilities Safety Board (DNFSB), a board that has played a vital role in independently addressing worker safety and whistle blower issues at large DOE projects. Again, the Fiscal Year 2013 Energy and Water report was unambiguous in expressing its support for DNFSB. It states, ''The Committee expects the DNFSB to continue to play a significant role in scrutinizing the Department's safety and security activities, including the reform initiatives underway in the Department that may impact projects under its jurisdiction.''

Further, the requirement that NNSA move towards ''performance-based oversight'' is misguided and will create a dangerous contractor self-regulation regime. While I do not believe that contractors will not take worker safety seriously, I do stand by the old adage that independent oversight is always more honest and rigid than self-evaluation.

Mr. HOLT. Mr. Chair, I rise in strong support of this amendment. Just this month, we learned from a leaked Air Force Instruction on intelligence activities that their drones ''incidentally'' collect imagery of ''US persons or private property without consent'' during the course of normal training operations. Neither I nor Mr. LANDRY intend to prevent Department elements charged with training UAV operators from being able to do their jobs. At the same time, we have a responsibility to ensure that data that is collected is not misused. That is precisely what Mr. LANDRY is trying to do today, and I am pleased to join him this effort.

This amendment will have no impact on the training activities of our unmanned aerial vehicle operators. What it will do is ensure that any imagery of American citizens, their homes, business, etc. that is collected cannot be used in any court proceeding in the absence of a judicial warrant issued on the basis of probable cause. I commend my colleague from Louisiana from offering this amendment, and I urge my colleagues to join me in supporting it.

Mr. SMITH of Washington. Mr. Chair, I rise to speak on the amendment by Mr. TURNER that addresses safety at defense nuclear facilities, that is considered in this en-block package.

Much reckless damage has been done in this bill that weakens safety for workers at defense nuclear facilities and for the public.

Among other changes, this hill blocks independent oversight by the Department of Energy and weakens the capacity of the Defense Nuclear Facilities Safety Board. This oversight is critical to keeping people safe, and we should not be cutting corners on safety.

These changes have profound implications and risk imperiling the safety and lives of worker and the public.

It also transfers responsibility for safety to the National Nuclear Security Administrator and to contractors, at a time when NNSA's undivided attention should be focused on maintaining a safe, secure and reliable nuclear deterrent and on the pressing need to make much-needed progress on nuclear nonproliferation to reduce the risk of nuclear terrorism.

For these reasons, Mr. MILLER, Mr. VISCLOSKY, Ms. SANCHEZ, Mr. WAXMAN and I submitted two amendments to undo some of the damage that is done in this bill, and that would have preserved strong safety standards and independent oversight.

My amendment would have restored the authority of the Secretary of Energy over the nuclear weapons complex and nonproliferation programs, whose control has been improperly severed without justification in this bill.

However, the Rules Committee did not make these amendments in order, and so regrettably we are prevented from having this important debate on an issue that affects thousands of Americans who work or live near defense nuclear sites.

Going forward, I will work with the Senate in conference to reverse many of these changes, to improve the outcome in our final bill.

Specifically with regard to the amendment by Mr. TURNER in this package, it makes several important improvements but does not go far enough and fail to fix significant problems in the bill.

(1) This amendment does not specifically prohibit a reduction in the safety standards, both nuclear and non-nuclear, compared to the standards we have today for defense nuclear facilities. Nonnuclear safety standards, such as fire protection, quality assurance, chemical, are also important to the safety of defense nuclear facilities.

(2) This amendment reaffirms that the decision on safety standards should be made by the Administrator for Nuclear Security, rather than by the Secretary of Energy and the Dept of Energy's Office of Health, Safety and Security, which would provide independent oversight of NNSA and the nuclear weapons complex health and safety and security operations.

(3) The core concept of risk and cost-benefit should not be an element of adequate protection. Inserting cost requirements muddles the requirements for safety. At this time, cost is not an element of adequate protection for commercial nuclear power or for DOE's defense nuclear facilities. It also forces the Defense Nuclear Facilities Safety Board to pre-

judge NNSA's action and decisions in responding to safety concerns, rather than allowing the Board to focus on identifying and raising safety concerns.

(4) This requirement places obstacles in the Board's path and will make it more difficult to ensure adequate protection of public and worker safety.

(5) These provisions would allow inconsistent safety standards.

I am deeply concerned about these changes and hope to work with my colleagues to remedy the measures that unnecessarily put workers and the public at risk.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from California (Mr. MCKEON).

The en bloc amendments were agreed to.

□ 1540

AMENDMENT NO. 3 OFFERED BY MR. KUCINICH

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–485.

Mr. KUCINICH. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle D of title XII of division A of the bill, add the following:

SEC. 12xx. LIMITATION ON DEPLOYMENTS FOR NATO MISSIONS.

(a) LIMITATION.—Beginning on the date of the enactment of this Act, the deployment of a unit or individual of the United States Armed Forces in support of a North Atlantic Treaty Organization mission may be made only after express statutory authorization has been obtained from Congress for such deployment.

(b) DEPLOYMENT DEFINED.—In this section, the term ''deployment'' has the meaning given that term in subsection 991(b) of title 10, United States Code.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Mr. Chair, I yield myself 1 minute.

The administration's use of signature strikes raises the risk to innocent civilians or individuals who have had no relationship to attacks on the United States.

We know that the U.S. has made mistakes in who has been at the receiving end of its drone-strike program, and this was when we knew the identity of the person being targeted. A recent report by the Bureau of Investigative Journalism estimates that at least 2,292 people have been killed by U.S. drone strikes in Pakistan since 2004. The bureau estimates that, of that number, over 350 are civilians. A July 2009 Brookings Institution report stated 10 civilians die for every one suspected militant from U.S. drone strikes.

Yet another study by the New America Foundation concluded that out of the 114 drone attacks in Pakistan, at least 32 percent of those killed by the strikes were civilians. Again, that was before we allowed drone strikes based only on signature behaviors.

We cannot deny that our drone strikes have resulted in the death of innocent people.

I reserve the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. Mr. Chairman, at this time I yield 1½ minutes to the distinguished ranking member, and I am glad to do so on an issue on which we agree.

Mr. SMITH of Washington. I thank the gentleman.

I rise in opposition to the amendment.

I think the gentleman raises a very legitimate point that the exercise of strikes against terrorist targets does need a proper oversight. There are a number of ways in which I think we can have greater transparency in those decisions, frankly, whether they're signature strikes or against individuals.

The bottom line is al Qaeda declared war against us in 1996. They are actively prosecuting that war against us from a number of different locations, many of which we don't have as much information as we would like, but clearly in federally administered tribal areas of Pakistan and Yemen and Somalia, they are organizing training camps and they are actively pursuing us. Our Joint Special Operations Command is trying to keep track of those networks and keep them from attacking us.

The ability to hit those training camps is an important part of protecting us from terrorist attacks. As General McChrystal said: It takes a network to beat a network. We need our network to have the ability to stop Al Qaeda's network. They declared war against us. They haven't changed their mind. It is still something that we need to be able to adequately protect this country against. This amendment unduly restricts our military's ability to protect this country.

Mr. KUCINICH. Mr. Chair, I yield myself 30 seconds.

We're talking about the deaths of innocent people here. A recent article published in The Washington Post revealed that the Central Intelligence Agency and the Joint Special Operations Command have been given new authority that allows them to fire upon targets based solely on their so-called ''intelligence signatures,'' patterns of behavior that are detected through signal intercepts, human sources, aerial surveillance, and that indicated a presence of an important operative plot against U.S. interests. But allowing CIA and JSOC to conduct drone strikes without having to know the identity of the person they're targeting is in stark contrast to targeted strikes against suspected terrorists on lists maintained by the CIA and JSOC.

Mr. THORNBERRY. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend.

I rise to respectfully disagree with the amendment offered by a person for whom I have great respect. I know that he offers this amendment because he certainly wants to avoid a situation where our country arbitrarily takes innocent human life. I think he's right to have that concern, and I think it's one that is widely held. I think that the issue raised by this amendment is whether others can be entrusted with striking that same balance or whether the Congress should enact a unilateral prohibition against certain kinds of activities.

When the decision-makers who operate these drone strikes make a decision, they have to strike this balance between our moral obligation to avoid arbitrary attacks on innocent people and our moral obligation to defend our country. And I think that they are capable of striking that balance, and I frankly think that a blanket prohibition against the use of these strikes—except in circumstances where we know the identity of the target—unduly restricts them in making that judgment.

I certainly understand and sympathize with the goal of this amendment. But because I think it unduly restricts our options, I would urge its defeat.

Mr. KUCINICH. I yield 2 minutes to the cosponsor of the amendment, the ranking Democrat on the Judiciary Committee, Mr. CONYERS of Michigan.

Mr. CONYERS. I thank the author of the amendment, and I join with him in it because, ladies and gentlemen, the administration policy up till now has been quite clear: drones pursue specific individuals who appear on a target list maintained by the CIA and initiate attacks only when drone operators are confident that the individual being targeted is a terrorist on that list.

What this amendment attempts to ensure is that the missile strikes being used by the CIA or the Joint Special Operations Command are targeting actual terrorists that pose a threat to our national security and not against civilians who may look suspicious to a drone operator operating thousands of miles away. What I am saying is merely that a new and expanded drone policy that allows for indiscriminate missile strikes against supposedly suspicious individuals obviously increases the risk of civilian death and risks inflaming an already powerful anti-American sentiment abroad. Ladies and gentlemen, this policy will not make us any safer. It will do just the opposite.

I encourage my colleagues to support our amendment so that the Congress ensures that accountability and a

measure of precision and due process are retained as critical components of our country's drone policy.

Mr. THORNBERRY. Mr. Chairman, I reserve the balance of my time.

Mr. KUCINICH. Mr. Chair, I am prepared to close. I reserve the balance of my time.

Mr. THORNBERRY. As a point of parliamentary inquiry, Mr. Chairman, who has the right to close on this amendment?

The Acting CHAIR. The gentleman from Texas has the right to close.

Mr. THORNBERRY. Further parliamentary inquiry, Mr. Chairman. How much time remains on our side?

The Acting CHAIR. The gentleman from Texas has 2½ minutes remaining. The gentleman from Ohio has 1½ minutes remaining.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Rhode Island, the ranking member of the Emerging Threats and Capabilities Subcommittee.

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

Mr. LANGEVIN. I thank the gentleman for yielding, and I appreciate the gentleman from Ohio and the gentleman from Michigan for offering this amendment; but unfortunately I must rise in opposition.

I certainly share their concerns, and I know of their good intentions; and I certainly share the authors' concerns over civilian casualties, and certainly even one civilian death is too many.

Mr. Chair, we should not jeopardize our men and women in uniform by hamstringing their ability to engage when threatened or returning fire. Certainly the Predators are incredibly powerful tools, and they need to be used judiciously and appropriately. I believe that they are only when necessary. The language here as it is written would threaten many of the most urgent uses of remotely powered aircraft. For example, if our troops are under fire from an unknown assailant or if an insurgent is placing a bomb, this language, as I read it, would prohibit targeting that individual.

Mr. Chairman, patterns of behavior are certainly appropriate indicators and are vetted strenuously. John Brennan at the White House has indicated and stated publicly that the drone-strike policy was rooted in adherence to law, and indeed the authorization for use of military force provides the President with the authority to ''use all necessary and appropriate force.''

The Acting CHAIR. The time of the gentleman has expired.

Mr. THORNBERRY. I yield the gentleman another 15 seconds.

□ 1550

Mr. LANGEVIN. I appreciate the gentleman yielding.

There are strict policies for how these tools can be used: there has to be a significant threat to the United States; action could mitigate or prevent an actual threat from materializing; capture is not feasible or could put U.S. servicemen and -women in undue harm; and collateral damage and harm to civilians is minimal. This strict criteria is what can be used, and I think they are the tools that we need to preserve.

Mr. KUCINICH. Parliamentary inquiry.

The Acting CHAIR. The gentleman from Ohio will state his inquiry.

Mr. KUCINICH. As a matter of procedure, who has the right to close, the sponsor of an amendment or the opponent of an amendment?

The Acting CHAIR. A manager of a measure who opposes an amendment thereto has the right to close.

Mr. KUCINICH. I thank the Chair.

I am prepared to close. How much time do I have remaining, please?

The Acting CHAIR. The gentleman from Ohio has 1½ minutes remaining.

Mr. KUCINICH. In the absence of transparency and accountability for the drones program abroad, overreach is unchecked. The administration refuses to release the legal justification for permitting so-called ''signature drone strikes.'' The administration refuses to disclose whether and how there's any follow-up with the families of innocent civilians who died from a drone strike. The administration refuses to disclose whether civilian casualties are collected, tracked, and analyzed.

Our amendment, the Conyers-Kucinich amendment, recognizes that innocent civilians should not be collateral damage. It recognizes that sending an unmanned plane to drop bombs without knowing the identity of a target does not reflect American values. It recognizes that drones bombing people of unknown identity will generate powerful and enduring anti-American sentiment that prolongs and expands wars. It recognizes that Congress did not give the President an unlimited and unchecked power to expand our wars abroad, especially when it does not even bother to give Congress the legal justification to do so.

It became clear that the authorization for the use of military force is being interpreted, given carte blanche to circumvent Congress, and we ought to put an end to it right now.

I yield back the balance of my time.

Mr. THORNBERRY. Mr. Chairman, this amendment raises a number of concerns. It is a very strange thing, for example, to say in a war that you have to know the name, rank, and serial number of the person that you are about to shoot before you can even shoot him. And to put it a little more in this context, the gentleman from Ohio's amendment would say that if we see people making bombs down there that are going to be used against our servicepeople, that we can't do anything about it, that we've just got to watch them. And then even after the bomb explodes, unless we know the identity—which is the language in the amendment—unless we know the name of the person down there, we can't do anything about it, with all of the technology that's available to the United States.

And actually, it gets even worse. If we see al Qaeda members shooting at our troops down there, if we don't know the identity or the name of the people doing the shooting, then we can't do anything about it. Surely that carries things far too far.

We can't debate in the open House all of the allegations that are made in newspaper articles. What we can do is say what the National Security Adviser or the President has said, that these sorts of capabilities are only used pursuant to law, and they are only used where there is a significant threat to the U.S., where action could mitigate or prevent the threat, and that collateral damage or harm to civilians is absolutely minimal. That helps protect our soldiers and our country.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was rejected.

AMENDMENT NO. 4 OFFERED BY MR. ROHRABACHER

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–485.

Mr. ROHRABACHER. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle B of title XII of division A of the bill, add the following:

SEC. 12xx. PROHIBITION ON AVAILABILITY OF FUNDS FOR ASSISTANCE FOR PAKISTAN.

Notwithstanding any other provision of this Act, none of the funds authorized to be appropriated by this Act may be used to provide assistance for Pakistan.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, since 9/11, the United States has given Pakistan about $22 billion. That money has served only to embolden Pakistan's government to maintain the brutal repression of its own people and to continue its blatant support for terrorist attacks on its neighboring countries, as well as attacks on American troops in nearby Afghanistan.

My amendment would cut off all aid in this bill designated for Pakistan. It would end the charade that we are buying cooperation in the ongoing struggle against terrorist forces in South Asia. Pakistan isn't with us in a war against terrorism; they are at war with us.

Pakistan, at best, is a war profiteer, collecting a ransom by taxing our military supply lines that pass through

their country, which, for the past 6 months, by the way, they have closed to resupplying our forces in Afghanistan. They are laughing all the way to the bank. Of course, the Pakistani people will never see any of that money.

The corruption in Pakistan itself is reason not to give aid to them, which they will then pilfer. Furthermore, they use their military power to butcher the Balochs and others who don't want to be under their corrupt thumb.

How can we forget this same Pakistani Government gave safe haven to Osama bin Laden after he led the conspiracy that slaughtered 3,000 Americans on 9/11? After our SEALs went in to get him, the Pakistani Government took the wreckage of our downed stealth helicopter and gave it for study to Communist China, whom they refer to as their ''all-weather friend.''

The Pakistani Government has gone so far as to arrest and imprison, without trial, Dr. Afridi, the doctor who helped us gather the intelligence that located Osama bin Laden in the nest that the Pakistani Government had provided him right there in Pakistan. The Pakistani Government threw him in jail and is talking about trying him for treason for the good deed that he helped us in bringing to justice the man who slaughtered 3,000 of our citizens. And we can continue to give money to these people, even as we ignore the suffering of Dr. Afridi, who is in prison now, languishing in prison? And all of us are forgetting this hero?

We have lost almost 2,000 Americans defending our country as part of Operation Enduring Freedom. Most of those deaths were due to Pakistani-inspired and -supported insurgents.

How much more does the Pakistan Government have to do before we quit giving them our money? They are playing us like fools while murdering our soldiers. And, yes, we are acting like fools for giving them this money despite that. We should have quit bankrolling this rotten regime a long time ago. My amendment would do just that.

The Pakistan Government is a terrorist government that murders and even attacks its own people, such as in Balochistan. It is a pro-terrorist, radical Islamic clique that rules Pakistan. They don't deserve one penny from us to help them in their dirty deeds.

I would ask for support from my colleagues. Let's finally stand up. If we need an ally in that area, let's go to some people in that area that want to be our friends, perhaps the Indians.

I reserve the balance of my time.

Mr. SMITH of Washington. I rise in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I appreciate the gentleman from Washington yielding me 2 minutes.

I strongly urge opposition to this amendment with some heavy heart because some of the things that my good colleague has said may be accurate; much of it is inflammatory and not accurate. But nevertheless, I don't want to be seen as an apologist for Pakistan.

But by the same token, we have trimmed the amount of money subject to this authorization and to this amendment by half. We have strengthened the controls around that money to require Pakistan to certify to us, to Secretary Panetta, that, in fact, this money is being spent in the fight against counterterrorism.

□ 1600

We will have additional amendments on floor this afternoon that don't have any opposition, which will further strengthen that certification process. And by restricting all funds, under the DOD position, simply plays into the bad guys' hands in Pakistan. It will give them no incentives in which to work with us and it will further their strength and resolve to close the cross-border, overland passage of U.S. military goods to assist us with the fight in Afghanistan.

While my good colleague has much greater experience with some of those folks in that part of the world than I do, nevertheless, I stand in opposition to his amendment. It is a meat cleaver when we ought to be going at it the way we've done it—by trimming the money back, putting restrictions on that money that will force the Pakistanis in order to get it. And, by the way, they have not gotten money from DOD since June of 2010.

So while the comments that he's made might apply to all funding for the State Department and everything else, it only applies to Department of Defense money. We've not given them money since June of 2010. We have adequate protections in the bill this time and will strengthen those protections later on in the debate in the votes this afternoon.

I stand in opposition to the amendment.

Mr. ROHRABACHER. I reserve the balance of my time.

Mr. SMITH of Washington. I yield 1 minute to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentleman. And certainly I've worked with the gentleman from California on a number of issues, and I rise in vigorous opposition to this amendment as the cochairman and founder of the Pakistan Caucus. And let me frame the reason.

First of all, we have a very responsible and sizable Pakistani American community that champions the idea of a democratic and economically stable Pakistan. It was only a few years ago that Benazir Bhutto was assassinated. However, the government that has carried on, although living in a difficult neighborhood and having difficult challenges, is a result of her efforts to try to bring democracy to Pakistan.

The people of Pakistan live in a very difficult neighborhood, and if we abandon this assistance—obviously, defense assistance—we abandon the people of Pakistan. We abandon those who want an education and economic stability. We abandon those soldiers in the Pakistani military who have fallen in battle fighting against terrorists. We will abandon those who have been in the Swat Valley. We will abandon those who have been in the mountains of Pakistan.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. SMITH of Washington. I yield the gentlewoman an additional 20 seconds.

Ms. JACKSON LEE of Texas. It will abandon those who are fighting for democracy, with the Pakistani President heading to participate in NATO with Ambassador Sherry Rehman here, who interacts with Members of Congress.

Let me tell the American people, Pakistan is an effective ally with challenges, and we should not deny them the opportunity to correct and turn the corner. I ask my colleagues to recognize the value of Pakistan's alliance. It is better to be engaged than to not be engaged.

Let us oppose this amendment. It is the wrong direction to go.

Mr. ROHRABACHER. I continue to reserve the balance of my time.

Mr. SMITH of Washington. I yield 1 minute to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I think all of us share many of the frustrations voiced by the gentleman from California, but his amendment goes too far.

I agree we should look for additional allies in the region. The problem is there's not another ally in the region through which our military can be supplied. So for the sake of our troops in Afghanistan, as well as a lot of the broader interests in the region, it is important for us to try to improve our relationship with Pakistan.

And as my colleague from Texas says, in the bill now we cut the funds from DOD in half and we require a certification that Pakistan is supporting our counterterrorism efforts, that they are supporting efforts to dismantle the IED networks, that they are preventing the proliferation of nuclear-related material, that they are issuing visas in a timely manner for U.S. Government personnel involved in counterterrorism efforts. We put severe restrictions on any assistance that they get. But that is a carrot to encourage them to work with us, rather than saying, No, you get nothing.

Mr. ROHRABACHER. How much time is remaining?

The Acting CHAIR. The gentleman from California has 1 minute remaining. The gentleman from Washington has 45 seconds remaining.

Mr. ROHRABACHER. I have here 13 pages of restrictions that we have had on Pakistan aid over the last few years, 13 pages of restrictions that have meant nothing.

During the time that we have been giving them billions of dollars with all

of these restrictions, they have been giving safe haven to Osama bin Laden, who massacred and slaughtered 3,000 Americans. How can we forget about that? How can we just go on and give these people money?

The people of Pakistan can be our friends. They are our friends. But we have to recognize that their government is a terrorist-supporting government and a radical Islamic-supporting government.

And we continue to give them money as they support insurgents that kill our people overseas. Is there any doubt about that? Admiral Mullen confirmed it for us.

Why are we ignoring that? We are acting like fools and we are acting like cowards. It is time for us to stand up for the American defenders who are over there putting their lives on the line and say, No. If we're going to give money to the people killing you, we're not going to do that, period. That's going over the line.

I would suggest to my colleagues to join me in defunding the enemy of the United States.

I yield back the balance of my time.

Mr. SMITH of Washington. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 45 seconds.

Mr. SMITH of Washington. We are not ignoring any of that. All of those issues are things we discussed in the Armed Services Committee, are very much aware of and very concerned about. But the bottom line is, as my colleagues have pointed out, regrettably, Pakistan is in a part of the world where we have national security interests.

Pakistan has, at various times, provided critical support to allow us to get the supplies we need to our troops in Afghanistan. They have also assisted us in going after various terrorist groups inside of Pakistan. That help has been maybe 2 percent of what we would like it to be, but that 2 percent, regrettably, is help we cannot turn away.

It is a very problematic relationship. I think the gentleman who offered this amendment described that quite well. But we cannot afford to simply cut it off because of how important that region is to our national security interests. His amendment would do that. And it is bad policy for this country, bad policy for our troops, and bad policy for our national security interests. Therefore, I would urge us to oppose it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. LEE OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–485.

Ms. LEE of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle B of title XII of division A of the bill, add the following:

SEC. 12xx. LIMITATION ON FUNDS FOR OPERATIONS OF THE ARMED FORCES IN AFGHANISTAN.

(a) IN GENERAL.—Funds made available to carry out this Act for operations of the Armed Forces in Afghanistan shall be obligated and expended only for purposes of providing for the safe and orderly withdrawal from Afghanistan of all members of the Armed Forces and Department of Defense contractor personnel who are in Afghanistan.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to authorize the use of funds for the continuation of combat operations in Afghanistan while carrying out the safe and orderly withdrawal from Afghanistan of all members of the Armed Forces and Department of Defense contractor personnel who are in Afghanistan; and

(2) to prohibit or otherwise restrict the use of funds available to any department or agency of the United States to carry out diplomatic efforts or humanitarian, development, or general reconstruction activities in Afghanistan.

The Acting CHAIR. Pursuant to House Resolution 661, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE of California. First, let me just say this. It is just downright outrageous that the McGovern-Jones amendment was ruled out of order by the Rules Committee, denying this House the opportunity to debate and vote on their amendment.

Secondly, we really do need a clear and 2 days of debate, at least—not 20 minutes—on this critical issue of Afghanistan. So for the life of me, 20 minutes is not long enough. And I don't quite understand why, in fact, the McGovern-Jones amendment was not given the full amount of time, because the American people deserve to hear both sides of this issue from a variety of policy perspectives.

My amendment today would put a responsible end to combat operation in Afghanistan by limiting the funding to the safe and orderly withdrawal of U.S. troops and military contractors.

And I have to thank the cosponsors of this bipartisan amendment—Representatives JONES, CONYERS, PAUL, WOOLSEY, WELCH, NADLER, HASTINGS—and all of our colleagues who have worked on this issue throughout the years to responsibly end the war in Afghanistan. I have offered this amendment in the past, and it has been a bipartisan amendment.

It is clear that the American people have been far ahead of Congress in supporting an end to the war in Afghanistan. My amendment allows Congress the opportunity to stand squarely with the war-weary American people who want to bring our troops home. The call has been growing across this land to bring this war to an end. It's time now for the Congress to answer the call here today.

□ 1610

The reality is there is no military solution to the war in Afghanistan. Our brave troops have done everything that was asked of them and more.

As a daughter of a military veteran, I also know firsthand the sacrifices and the commitment involved with defending our Nation. But the truth is that they have been put in an impossible situation. There is no military solution, and it's past time to end the war and bring the troops home.

Over a decade now, over $500 billion spent in direct costs and, mind you, not a penny of it has been paid for. Instead, we should have been investing in jobs and in our economy here at home and a smarter national security strategy.

It is time to say enough is enough. With almost 2,000 United States troops killed in Afghanistan and many tens of thousands more maimed with injuries both hidden and visible, we must recognize that the boots on the ground strategy in Afghanistan must end. It's critical to our economy and the future of this country that we stop pouring billions on a counterproductive military presence in Afghanistan.

The American people have made it clear that the war is no longer worth fighting—not for another year, not for another 2 years, and surely not for another 12 years. Today, Congress should stand with seven out of 10 Americans who oppose the war in Afghanistan. After 11 long years, it is time to bring our troops home. We can do that responsibly by voting ''yes'' on the Lee amendment today.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from California is recognized for 10 minutes.

Mr. MCKEON. At this time, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY), the vice chairman of the committee.

Mr. THORNBERRY. Mr. Chairman, essentially this amendment says get out now; leave Afghanistan regardless of the consequences.

I appreciate the honesty and the forthright nature of this amendment offered by the gentlelady from California. It is better to say up front what you're trying to do rather than put various conditions on it, or to tie our troops' hands in some way, or to not put enough troops in the field in order to accomplish the mission we're asking them to do. This is very clear. It says

leave now. And it is tempting for all of us because we have been there for awhile.

I want our troops to leave as soon as possible consistent with national security. As a matter of fact, the underlying bill says that the United States military should not maintain an indefinite combat presence in Afghanistan and should transition to a counterterrorism and advise-and-assist mission at the earliest possible date consistent with the conditions on the ground. And that's really the difference—consistent with the conditions on the ground.

We believe, I believe, you have to take account of what the situation is there, and you cannot just abandon Afghanistan and ignore, stick your head in the sand and pretend it's not going to have consequences. I think it's important to remember why we're there to begin with. We're not there because of them. We're there because of us. We're there to make sure that Afghanistan is no longer used as a safe haven, as a base which will be used to launch attacks against us. That's the crux of the matter.

As soon as they are able to provide for their own security and prevent a return of the Taliban, a return of al Qaeda, then we can go and we'll have accomplished our mission, and they'll have to sort through their domestic issues on their own.

But if we leave too early and al Qaeda and the Taliban return and use it as a base to launch attacks against us, then I'm afraid more Americans will suffer and we could see repeats of past terrorist attacks.

So as tempting as it is, Mr. Chairman, we cannot ignore the consequences of our actions. Leaving too fast would be bad for our security.

Ms. LEE of California. I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise today in support of my friend BARBARA LEE's amendment.

Let's look at the facts. Two-thirds of Americans oppose our military occupation of Afghanistan. So if the American people were to vote on this amendment today, it would pass overwhelmingly with support from both Democrats and Republicans. After nearly 11 years, Mr. Chairman, enough is enough.

Congress must catch up to the people they represent and embrace a responsible end to this war. Instead of dumping $10 billion a month into an unwinnable war, let's redirect our resources towards a SMART Security approach. Let's invest in people. Let's invest in development. Let's invest in humanitarian progress. Let's bring our troops home.

Vote ''yes'' on the Lee amendment. Vote ''yes'' for SMART Security. Vote ''yes'' for the American people.

Mr. MCKEON. At this time, Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. CONAWAY), a member of the committee.

Mr. CONAWAY. Mr. Chairman, I appreciate the chairman yielding me the time.

I stand in opposition to this amendment. My colleague stated it very well earlier. This says just get out now.

My colleagues across the aisle in support of this amendment have continued to use the word ''responsible'' over and over, and there is nothing responsible about abandoning the efforts in Afghanistan today without proper conditions on the ground.

The President has a plan in place. Some of us may have had differing ideas with him, but he put a plan in place that says our combat troops will be out of there by 2014 contingent with conditions on the ground.

The Afghan people are responsible for their own security, and we're trying to help them get to that place with the Afghan National Army, the Afghan National Police, and the Afghan local army. Those efforts are going on across the provinces of Afghanistan as we speak, and they're getting into the lead to take care of their security.

But abandoning of Afghanistan today would put at risk 27 million Afghanis who are counting on us to get this right, counting on us to put them in a position to be able to defend themselves when we do leave in 2014. So getting out now, Mr. Chairman, is irresponsible rather than responsible.

Now, I understand all of us are tired. All of us are weary. None of us like to go to those funerals. I go to the funerals of the young men and women who have been killed in Afghanistan and Iraq, and I stand with those moms and dads and husbands and wives on the worst days of their life. I understand, it's grinding grief that's associated with it. But there's a pride also attached to it that their loved one gave their life for something positive, for something good, so that 27 million Afghanis could create a government that would allow them to rule themselves and not have the thugs and the Taliban do what they did in the mid-1990s: come in and slaughter all of the thoughtful people, all the teachers, all the folks who would lead, in order to subjugate their people in ways that are just horrendous.

They will do that again to anyone who has helped us over this last 10-year period. So we do have a responsibility there. The responsibility is to get out when the conditions on the ground say it's time to get out.

NATO is meeting this weekend in Chicago to determine ongoing conditions, what's going to be done with respect to their commitments, and this amendment would undermine all of those efforts going on there.

So I stand in opposition to this amendment and encourage my colleagues to vote ''no'' on this amendment.

Ms. LEE of California. Mr. Chairman, I would like to yield 1 minute to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentlelady from California, and I appreciate that ending America's longest war—over 10 years—is not an unreasonable notion, because there is a serious misunderstanding going on about this amendment on the other side.

Withdrawing United States troops does not mean we're abandoning Afghanistan. Please, there's a difference. There are other ways that we can continue to develop the diplomatic and political solutions that can't be won at gunpoint.

Don't you get it? If we're leaving in 2014, we're just saying let's speed it up; let's begin a rational withdrawal. And we have a responsibility to keep a commitment to Afghanistan. It doesn't mean troops. It doesn't mean our military has to die.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes at this time to the gentleman from Florida (Mr. WEST), a member of the committee, a gentleman who has led troops in battle.

Mr. WEST. Mr. Chairman, thank you for allowing me to speak.

I will say this one thing. I've been in Afghanistan for 2½ years. And having been a ground combat commander, I say one thing: if this amendment were to pass, where it says this amendment would restrict the authorization and use of funds for continuation of combat operations in Afghanistan, just today, in the Farah province, which I've been to, the Taliban attacked an Afghan Government compound, killing 7 people.

□ 1620

What you are telling our men and women in combat, what you are saying to the enemy is that we are going to leave those men and women hanging, that we are not going to provide them the resources.

Now, I see where this amendment says it does not prohibit or restrict the use of funds available for the U.S. to carry out diplomatic, humanitarian, development, or general reconstruction efforts. One of the problems that we have had in Afghanistan is that we got involved in nation-building, we got involved in occupational-style warfare, and truly not being involved in a counterterrorism style of warfare and going after the enemy. This is where our primary focus should be.

We have generals that are on the ground that know what they're doing. They've been to Staff College, they've been to War College. Why is it that we don't want to listen to the people that we have placed trust and confidence in to lead our men and women in combat? They have been told that in 2014 we will be drawing down and leaving Afghanistan. Why in God's name would we want to repeat some of the horrible things that I saw my older brother go through in Vietnam, where we restricted funding, and the next thing you know you had the killing fields of Pol Pot? I'm telling you, I've been in Afghanistan; I know this enemy. And I don't see anyone over there, my dear colleagues on the other side, that I would trust more than General Allen,

who is on the ground, who knows what he has to do.

The message that you send to our troops is that you're abandoning them. The message that you send to the Taliban, to al Qaeda, to the Haqqani Network, to LeT, to every single radical Islamic group, is that we have turned our backs on our military, and you can continue to kill them.

I just want to say one simple thing. Two weeks ago, I went to the memorial service for PFC Michael J. Metcalf of Boynton Beach, Florida, who was laid to rest today in Arlington. I will not turn my back on those men and women who are still my friends, some of them even my relatives. I ask that my colleagues do not vote for this amendment.

Ms. LEE of California. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from California has 4½ minutes remaining. The gentleman from California has 4 minutes remaining.

Ms. LEE of California. I yield myself 30 seconds and respond to the gentleman from Florida and just say this amendment—I think he's probably not reading the amendment that I have offered.

What this amendment does is restrict our funding for the purpose of the safe and the orderly withdrawal from Afghanistan of all members of the Armed Forces and the Department of Defense. It is not a cut-and-run amendment. This is a force protection amendment. It would bring our young men and women out of harm's way and it would provide the resources to move forward to help stabilize the region.

I'd like now to yield 1 minute to the gentlelady from Hawaii (Ms. HANABUSA).

Ms. HANABUSA. Mr. Chairman, I rise to speak in support of the Lee amendment.

When I was in the Hawaii State legislature, we were the only State that did a Hawaii Medal of Honor. The unfortunate part about it is we gave those medals to the spouses and the families and the friends of those who had fallen in Iraq and Afghanistan, as long as they had some connection to Hawaii, either serving at one of our bases or being from there. When I went through that proceeding, I said, you know, as soon as we can—and I believe the time has come for us—we must safely remove our troops and the civilian personnel because we owe it to them.

It is not a matter of whether or not we are abdicating or we are turning our backs on them. They have done what they were sent there to do. Eleven years of fighting; Osama bin Laden is dead. The people of the United States know that, and they are asking us to remove the men and women. Don't continue them in harm's way because we have done what we told them they were sent there to do. That is why I stand in support of the Lee amendment.

Mr. MCKEON. Mr. Chairman, at this time I yield 1 minute to my friend and colleague, the gentleman from Illinois (Mr. KINZINGER), a member of the committee and an Air Force pilot.

Mr. KINZINGER of Illinois. Mr. Chairman, leadership isn't easy. These are lessons that we learned all through history. We learned it from Abraham Lincoln when he had to face a union that was dissolving. I learned it in officer training as a pilot in the military. And I learned it in my experience overseas.

Think of the sacrifice that our troops have made in Afghanistan. Now, we understand it's been too long, but think of the sacrifice they've made. Now we're getting ready—very quickly, with the passage of an amendment, if this passes—to say we're just getting out; we're not going to leave the commanders on the ground with the authority to say how we do it or what we do.

What are we going to say to our troops if this passes, and what are we going to say to Bibi? Bibi is a young woman in Afghanistan who at the age of 12 was sold into slavery because somebody committed a crime in her family and the Taliban required her to be sold into slavery. She escaped and had her nose and ears cut off. Her uncle and her family turned their back on her as she tried to crawl to safety. She went to an American forward operating base, where she was granted safety and freedom. What are we going to say to Bibi when we pick up and say, you know what, we've had enough, we're just going to pick up and leave today?

This is a big deal. I would urge my colleagues to oppose this ill-thought-out amendment.

Ms. LEE of California. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from California has 2 minutes remaining. The gentleman from California has 3 minutes remaining.

Ms. LEE of California. I'd like to yield now 1 minute to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I'd like to thank the gentlelady for a very thoughtful amendment. And I again acknowledge the amendment that both Mr. SMITH and Mr. MCGOVERN had. Clearly, what this is is an opportunity for the American people to speak through their representatives here on the floor of the House.

None of us want to promote the killing of women, the cutting off of ears, the mutilation of anyone. I have founded and chaired the Afghan Caucus. I have gone to Afghanistan many times. I've delivered books to their schools. What we are suggesting is that the precious blood of our soldiers, first going there after the horrific incident of 9/11, they, after 10 years, have given the fullest measure. What we're suggesting is that we bring them home safely and orderly, and that we begin to use the diplomatic resources, we enhance NATO, we make sure that we work with our allies, and we have the Afghan national security forces stand up. That's what we're saying.

We've given enough ribbons and hero awards because we know that our soldiers would not step away—they want to be there with their comrades. But it is important for us, as Members of Congress, who make decisions to send young men and women into war, to make a decision that their job is well done, and that Afghanistan begin to, in essence, develop the democratic processes and begin to have their national security forces and their police officers stand up. Enough killing of our soldiers by internal acts by Afghan police and soldiers. Let us bring them home now in an orderly way.

God bless our troops, and God bless the United States of America.

Mr. MCKEON. Mr. Chairman, at this time I yield 1 minute to my friend and colleague, the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Chairman, I flew combat missions in Vietnam in 1971, '72, and '73. I was there when Members of this House voted to cut the funds to troops in combat.

I'm hearing the words ''safe'' and ''orderly'' withdrawal. Has anyone on the other side looked at the safe and orderly withdrawal that occurred in Vietnam? As we fell head over heels, we left 574 combat-ready aircraft there. That was the safe and orderly withdrawal we had when this body began to manage Vietnam. We lost the Vietnam War because we took the control of the war away from the generals and placed it into this body, people who had never been in combat, who had never been in harm's way.

I'm telling you, as someone who was there during a time when Congress choked off the funds to people that were in harm's way, I had a burning anger that burns today. And when I see this amendment and visualize the young men and women over there whom you're cutting funds off to and saying we're going to leave you with an orderly and quiet withdrawal—it's not humanly possible. The other side doesn't play by your orderly rules.

Understand that this is war, and our troops' lives are at risk, and you're putting them more so.

Ms. LEE of California. Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Could I ask the time remaining?

The Acting CHAIR. The gentleman from California has 2 minutes remaining. The gentlewoman from California has 1 minute remaining.

Mr. MCKEON. And I have the right to close?

The Acting CHAIR. The gentleman from California has the right to close.

Mr. MCKEON. I reserve the balance of my time.

Ms. LEE of California. Let me just first say that I appreciate this 20-minute debate, but we should have a couple of days to be able to have a full debate on why we need to, one, protect our troops and provide for their safe and orderly withdrawal.

The American people are war weary. We need to reunite our brave men and

women in uniform with their families at home. We should transfer the billions of dollars that we're spending on war to creating jobs here at home. We should ensure that our troops are provided with the resources that they deserve and they need during this withdrawal.

□ 1630

We're asking for a safe and orderly withdrawal. We're saying our young men and women have fought; they've done everything we've asked them to do. We think that now, as the American people are saying, the combat mission, the fighting should end, and we should begin by protecting our troops and contractors; and we should begin to end the longest war in American history. It's time to end the war in Afghanistan.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, when I was in Afghanistan a few years ago, I visited Camp Leatherneck. General Nicholson, who was just setting up base, and they were just there in the desert—the men were out setting up forward operating bases, trying to take back territory that the Taliban commanded. The general told me that his troops were being asked every day by the local people, when are you leaving? How long are you going to be here? Can we trust you to be here to protect us?

Last year, when I returned, I went to the same area. We were able to go to Marjah this time, which we couldn't go to before because that was a Taliban stronghold. Last year, we were able to walk down the street in Marjah. I saw marines and Afghan soldiers embracing; they were happy to see each other. Maybe they'd been apart for a while.

The marines had put up light standards down the street, and the merchants were able to keep their stores open a little bit longer.

We opened a school while we were there, not a school like we enjoy, but it was a school built out of adobe and tents. They had 500 kids. About a third of them were girls. They were able to go to school that they hadn't been able to go to before. They were excited about that opportunity.

I visited with the local governor there. We had lunch. I asked him what motivated him, because he knew, as the Taliban came back for the spring effect, that his life was on the line. He said, God willing, we'll prevail.

Mr. Chairman, I think when we talk about pulling these people out before they have a chance to complete their mission—I was at a street fair in Simi Valley last week and I talked to a lady working in a booth for the troops. She said, my grandson just came home from Afghanistan. And I told him we ought to just get out of there. And he said, Granny, that's wrong. We're accomplishing great things. We're helping those people. Let us finish our mission.

That's what the generals say they should do. That's what the troops say they should do.

Defeat this amendment that pulls the troops out immediately.

I yield back the balance of my time.

Mr. NADLER. Mr. Chair, I rise to support the Lee Amendment to end the war in Afghanistan and bring our troops home as quickly as possible.

The whole premise of the war in Afghanistan is wrong. The rationale for the war is to fight Al Qaeda, but most of the day-to-day fighting is against an entrenched Taliban insurgency that will outlast any foreign fighters. Fighting in Afghanistan does not enhance the security of the United States in any way.

In 2001, we were attacked on 9/11 by Al Qaeda. Al Qaeda had bases in Afghanistan, and at that time it made sense to go in and destroy those bases, and we did. But that took about three weeks. We should have withdrawn after three weeks. The CIA told us more than a year ago that there are fewer than one hundred Al Qaeda personnel in all of Afghanistan. So why do we still have 88,000 troops there? Troops who will continue to risk their lives every day in a war that has already claimed far too many lives. And why should we continue pouring billions of dollars into an intractable mess when we should be devoting those funds to our own economy, our own jobs, our own schools, our own bridges and roads and highways, our own housing, social programs, and education?

Afghanistan is in the middle of what is, so far, a 35 year civil war. We do not have either the need or the ability to determine the winner in that war, which is what we're trying to do. If we continue on this course, in two years, there will be hundreds more dead American soldiers, several hundred billion more dollars wasted, and two or three more provinces labeled "pacified". But as soon as we leave, now or in 2014 or 2016 or 2024 or whenever, those provinces will promptly become "unpacified," the Taliban and the warlords will step up the fighting, and the Afghan civil war will resume its normal, natural course.

Our troops are fighting valiantly, but we are there on the wrong mission. We should recognize that rebuilding Afghanistan in our own image, that setting up a stable government that will last is both beyond our ability and beyond our mandate to prevent terrorists from attacking the United States. We fulfilled the mission in protecting America from terrorists based in Afghanistan over 10 years ago. We should have withdrawn our troops 10 years ago, we should withdraw them now. We shouldn't wait till 2014, we shouldn't have several thousand advisors or troops or whatever advising or helping the Afghanis for another 10 years. They have their own civil war they have been fighting for 35 years. I wish we could wave a magic wand and end it but we can't, we should not participate in what is an Afghan civil war, we do not need to pick the winner, we do not have the ability to pick the winner, all we are doing is wasting lives, wasting limbs, wasting people and wasting dollars. It ought to end as rapidly as we can physically get them out of there.

Mr. HOYER. Mr. Chair, I continue to be disappointed at how Republicans are approaching deficit reduction. Every day, we hear Republicans talking about the need for painful cuts to get our deficits in order. However, time and again, Republicans appear unwilling to exercise fiscal discipline when it affects something they like.

First, the sequester is set to impose difficult and arbitrary spending cuts across both defense and domestic programs unless we replace its deficit savings before the end of the year. Yet, Republicans seek to find these savings only by cutting domestic programs like Social Service Block Grants, food stamps, and preventive health care services. And second, we reached an agreement last August on spending levels, which Republicans have now broken.

This Republican defense bill authorizes $8 billion more than the agreed-upon level. At the same time, Republicans are drastically cutting domestic programs.

This amendment returns defense spending to the level agreed upon in the Budget Control Act. It does so without weakening our military or denying our troops the tools they need to succeed in their mission. This should be something Republicans and Democrats ought to see eye to eye on, because we previously agreed to it in August.

Democrats want to provide our troops with every tool they need to carry out their mission and keep Americans safe. The arbitrary cuts of the sequester will make doing so much more difficult.

That's why we need a solution that balances defense and non-defense spending cuts and includes revenues—a big, bold, and balanced approach.

This, Mr. Chair, is the opposite of a balanced approach, and I urge my colleagues to adopt this amendment and send a strong message that we must approach deficit reduction with the seriousness it deserves.

I commend Representative BARBARA LEE, Financial Services Ranking Member BARNEY FRANK, Representative LYNN WOOLSEY, and Representative EARL BLUMENAUER for their work on this amendment and for standing up for the agreement the parties reached last August.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. LEE of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR (Mr. SIMPSON). It is now in order to consider amendment No. 6 printed in House Report 112–485.

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 542, after line 19, insert the following:

''(3) A certification of the Secretary of Defense that the Government of Pakistan—

''(A) has opened the Ground Lines of Communication;

''(B) is allowing the transit of NATO supplies through Pakistan into Afghanistan; and

''(C) is supporting retrograde of United States equipment out of Afghanistan.''.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. I first want to congratulate the chairman and the ranking member and their respective staffs for once again offering us a model for bipartisan collaboration on major legislation.

This particular amendment addresses the future drawdown in Afghanistan which will require NATO to remove $30 billion of equipment from Afghanistan by the end of 2014. This includes everything from vehicles to armor to equipment. Logistically speaking, this is quite a challenge.

The United States and its allies have relied on two major routes to transport equipment to Afghanistan: the Ground Lines of Communication, which is the NATO supply route, and the Northern Distribution Network through Central Asia.

For nearly 6 months, Pakistan has closed the NATO troop supply route in response to the accidental shooting of Pakistani troops on the border. While recent talks between us on the subject have been positive, the final outcome is far from certain.

This simple amendment addresses the issue head-on by withholding funds to the Coalition Support Fund until the Secretary of Defense certifies that Pakistan has opened the Ground Lines of Communication, is allowing the transit of NATO supplies through Pakistan into Afghanistan, and, three, is supporting retrograde of U.S. equipment out of Afghanistan.

Drawing down from Afghanistan will be no easy feat, and it will require the cooperation of our allies, no matter how strained the ties.

Several recent developments have caused some of my colleagues to question why we continue to engage with Pakistan at all. Well, Secretary of State Clinton said it best: Pakistan is a nuclear-armed state sitting at the crossroads of a strategic region. And we have seen the cost of disengaging from that region before.

Simply put, we have a national security interest in maintaining the bilateral relationship. The presence of several competing actors in South and Central Asia necessitates ongoing U.S. engagement in the region. A key requirement for a successful transition to a post-Taliban Afghanistan is a deep and nuanced understanding of all the players in the region. This includes each actor's desired endgame and its willingness to work toward a peaceful Afghanistan ruled by the Afghans. Equivocal statements and doublespeak by any party, frankly, impedes that progress.

As the United States prepares to complete the transition, we should clearly outline our mission, identify our allies, and specify our expectations. This amendment does just that.

Mr. Chairman, I also want to take a moment to express my appreciation again to the chairman and ranking member of the committee for working with me on this and other provisions in the bill. Specifically, I am grateful for the committee's collaboration on two initiatives to promote competition among advanced small businesses to ensure the Federal agencies are issuing accurate size standards, and to strengthen America's small businesses and save taxpayer money.

I also appreciate the committee's support of a bipartisan amendment, amendment No. 96, I submitted, along with Mr. LANKFORD of Oklahoma, to combat human trafficking by Federal subcontractors. I think it will go a long way to addressing that problem.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I claim time in opposition to the amendment although I don't oppose the amendment.

The Acting CHAIR. Does any Member claim time in opposition?

Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

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

Mr. Chairman, we had an amendment earlier to cut off all funds to Pakistan. This is a more moderate approach.

Pakistan is part of the problem, we understand that. They live in a tough neighborhood. We know that in some ways they help us, in some ways they don't help us.

This amendment is kind of a carrot-and-stick approach. We say, when you do the things that you say you'll do, when you open these Ground Lines of Communication, we'll be giving you some of the funds. I think that's the proper approach that we should take, and I think that will help us in moving forward our effort in that area.

I thank the gentleman for his amendment. I think it makes the bill stronger. I thank him for his work in this regard.

I ask support of the amendment and yield back the balance of my time.

Mr. CONNOLLY of Virginia. May I inquire how much time is left on this side.

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. CONNOLLY of Virginia. I yield 1 minute to the gentleman from Washington (Mr. SMITH), the distinguished ranking member of the committee.

Mr. SMITH of Washington. Mr. Chairman, I rise in support of this amendment as well.

As was discussed earlier, we certainly have problems with our relationship with Pakistan. We want to make sure that we continue to put the pressure on them to improve that relationship. Opening up these supply lines are critical to our troops. I think it is a minimum requirement that we should ask, and the gentleman's amendment is very well thought out. It is the appropriate response for dealing with our difficult ally.

As Mr. ROHRABACHER mentioned earlier, certainly there is much that Pakistan does that causes us trouble. But they are a country that we need to work with if we're going to properly contain the al Qaeda and terrorist threat that comes from that region of the world. I think the gentleman from Virginia's amendment strikes that balance just right, and I urge this body to support it.

Mr. CONNOLLY. I now yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Let me thank the gentleman for his hard work, and let me have an open letter to our friends in Pakistan, Pakistani Americans, that your friendship is appreciated. The hard work that we have done together is appreciated.

But we are looking to begin the reopening of those borders that are crucial to the survival and the efforts of our men and women who are presently in Afghanistan and on that border. And I would also say that with the leadership of the new ambassador, with the efforts that have been made by the Foreign Minister of Pakistan, they understand, and have made announcements that they would begin the opening of those lines, not only of communication but travel, and we would hope that that would happen soon.

Again, I emphasize working with the Pakistani people is crucial. Developing allies is crucial in that very difficult neighborhood where Pakistanis themselves are subject to terrorist acts.

□ 1640

Mr. CONNOLLY of Virginia. I thank my colleague.

Again, I want to thank the chairman and the ranking member and their wonderful staffs for their hard work on this bill, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. ROONEY

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112–485.

Mr. ROONEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title X, add the following new section:

SEC. 10___. TRIAL OF FOREIGN TERRORISTS.

After the date of the enactment of this Act, any foreign national, who—

(1) engages or has engaged in conduct constituting an offense relating to a terrorist attack against persons or property in the United States or against any United States Government property or personnel outside the United States, and

(2) is subject to trial for that offense by a military commission under chapter 47A of title 10, United States Code,

shall be tried for that offense only by a military commission under that chapter.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Florida (Mr. ROONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. ROONEY. Mr. Chairman, I yield myself such time as I may consume.

My amendment simply codifies in the NDAA that any foreign terrorist detained be tried in a military tribunal set up by this Congress rather than in an Article III court. The reason for that is quite simple.

Article III courts, which are reserved for our citizens, afford constitutional rights: the right of an attorney, the right to remain silent, a right to face your accuser and to contradict the evidence that's brought against you, evidence which sometimes is being offered by the government and by people in the intelligence community—information and sources that need to be protected.

Military tribunals, I think, are the more adequate venue for foreign terrorist enemy combatants to be tried and to be given due process fairly, which would also protect our sources and would also protect the way that we gather evidence by men and women in uniform and by panels of men and women in uniform. I had the pleasure of serving in the United States Army JAG Corps. They are people of the utmost integrity and the utmost fairness.

Specifically, despite the fact of our moving further away from 9/11, the war on terror continues, as we have seen with Abdulmutallab, the underwear bomber, as we have seen with Major Nidal Hasan in the Fort Hood shootings, as we have seen with the Times Square bombing, and as we have seen as recently as last week in a second attempt at an underwear-type bombing on an airplane.

So, for these reasons and for the reasons stated previously with regard to detainees at Guantanamo Bay, for those who are not U.S. citizens but who are foreign terrorist detainees—and they should get due process—I believe in the due process venue of the military tribunals and military court down in Guantanamo Bay so that they may get their day in court in a fair way, one that is humane and just.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Washington. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. I yield myself such time as I may consume.

I do not oppose military commissions. I think military commissions are an important tool, particularly when you are talking about people who are captured overseas, potentially in Afghanistan, Yemen, Somalia. I agree with the gentleman in that there are instances when the evidence necessary requires a military commission.

Yet the problem with this amendment is it says it has to be a military commission, that Article III courts are never an option. We have an extensive history of capturing terrorists overseas, of bringing them back to the United States, of trying them in Article III courts, and of convicting them and putting them in prison. We've done that a number of different times, and it is an option that should be on the table. I cannot support taking that option completely away under any circumstances, because there are a couple of problems with military commissions.

They are necessary for many of the reasons that Mr. ROONEY stated. However, they are also relatively new. We had some military commissions during World War II—I believe just one for a particular group of German spies who were here in the U.S. We've done a couple since then, but they are untested, and there will undoubtedly be appeals.

The beauty of the Article III courts is you have 230 years of history. My math may be off a little bit there, but you have over 200 years of history. Let's put it that way. It's well developed, and you know what's coming, and you can prepare the evidence accordingly. We don't know what's going to come from a military commission.

The second problem with the military commissions is that our overseas allies are not as fond of them as we are, and it may inhibit our ability to get them to turn terrorists over to us for prosecution if they know they have to go to military commissions.

This amendment doesn't make any sense. To take Article III courts completely off the table is taking an option away from the President and from this country to properly protect us. There are going to be instances when we are going to want to use that tool and other instances when we will want to use the military commissions, and this amendment takes away that option in a way that, I believe, will hamper national security. It will limit our options for how to prosecute terrorists.

I will say this again, and I will emphasize this: we seem to have totally lost track of the fact that the Department of Justice, the FBI, our Article III courts have been one of the most important tools in successfully stopping the terrorists—over 400 tried, convicted, and locked up for life. That is a very effective tool. The FBI knows how to investigate crimes. It knows how to interrogate suspects. It can do the job.

Why would we take that tool in our toolbox and throw it away? It doesn't make sense. For that reason, I have to oppose this amendment.

I reserve the balance of my time.

Mr. ROONEY. Mr. Chairman, I yield 90 seconds to my friend from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. I stand in support of Mr. ROONEY's amendment, which requires all detainees currently held at Guantanamo Bay to be tried by military commissions in the courtroom facility there. It is a strong amendment.

I visited Gitmo. It was the first trip that I took when I got to Congress. They had the facilities and the expertise there. I am also currently serving as a JAG officer in the Army—I'm in my 16th year—and I believe that it is the appropriate place to try them.

Article III courts are not equipped to try foreign terrorists. The constitutional and legal standards for evidence-gathering and prosecution in a civilian case are simply not adequate for the trial of an enemy combatant. These cases often rely on classified evidence, informants, and intelligence operatives. Military commissions, on the other hand, are set up to protect critical intelligence, officials, and evidence while still providing fair and due process for the accused.

I would also note that bringing terrorists up to New York City is a very expensive proposition. My constituents have made it clear to me that they want the terrorists kept where they are—at Gitmo—where our state-of-the-art facility houses them. We've spent millions of dollars there, including on a large courtroom in which to try detainees. It makes no sense to spend millions more to bring them here for trial when we have the facility and the process to try them at Gitmo.

I am confident that trying enemy combatants in military tribunals at Gitmo is the best way to hold terrorists accountable, to keep them out of the United States, and to prevent them from rejoining the fight.

Mr. SMITH of Washington. May I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman has 2½ minutes remaining.

Mr. SMITH of Washington. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I rise in opposition to the amendment.

If a suspected terrorist can only be tried successfully in a military commission because there are concerns about jeopardizing the confidentiality of classified information or other concerns, then I emphatically agree that that person should be tried in a military commission. But to presuppose that all such detainees properly belong in a military commission, I think, is a mistake, for two reasons.

First, it really prejudges the record of evidence and the standing of law in that case when we're not necessarily competent to do that. That is a decision the prosecutors ought to make. Secondly, I think, although it's not the intention of the authors, I'm sure, it belies a certain lack of confidence in our constitutional system of criminal justice.

We should be proud of our system. It's one that operates on principles of fairness, and it fairly and expeditiously determines guilt or innocence. I think to abandon that system in all cases and under all circumstances not only unwisely prejudges the facts of these cases but also unwittingly undercuts confidence in our Constitution and in our Article III courts. For that reason, I would urge a ''no'' vote on this amendment.

□ 1650

Mr. ROONEY. Mr. Chairman, may I inquire as to the time remaining.

The Acting CHAIR. The gentleman from Florida has 1 minute remaining, and the gentleman from Washington has 1 minute remaining.

Mr. ROONEY. Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, Mr. ROONEY has the right to close; is that correct?

The Acting CHAIR. The gentleman from Washington has the right to close.

Mr. SMITH of Washington. Then I will reserve the balance of my time.

The Acting CHAIR. The gentleman from Florida is recognized for 1 minute.

Mr. ROONEY. Mr. Chairman, I would just say to some of the things that have been said that I don't think that what this amendment is saying is in any way disparaging what Article III courts can do or would be successful doing. Certainly I would agree that they could be adequate in prosecuting criminals and people that do crimes in this country. What we are talking about are foreign enemy terrorist combatants, people that commit acts of war against this country in furtherance of the authorization that this Congress passed.

What we have done as a Congress is set up military commissions in ways that can protect evidence, ways that can protect witnesses and sources, and, in my opinion, in a way that the Article III courts might not be able to. I'm not saying that they couldn't. I'm saying that it is a better venue. Just like when we talked about earlier the Ranking Member Smith and Amash amendment, which would preclude the use of military tribunals. As much as the ranking member is saying that options should be on the table, we're saying the same thing.

With that, I hope my colleagues will vote for this amendment, and I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield myself the balance of my time.

Three quick points. I think the difference here and the reason that I drafted my amendment to say ''just in the U.S.,'' I think is a legitimate point. Overseas we do not have the same control over the investigatory process that we have here domestically. There's a clear difference between dealing with someone here domestically. That's why in the last 10 years we haven't done anything other than try people here in the U.S. under Article III courts. We haven't needed military commissions. That's why I think we should take that power away from the President because it's an extraordinary amount of power to give him that isn't necessary.

Overseas they are, in fact, taking away the options in this amendment and saying it has to be military tribunals. They are also saying that Article III courts are inadequate to do that when, in fact, they've done it repeatedly. The people who committed the bombing against the World Trade Towers in 1993 were captured overseas, brought back, and tried here in domestic courts. Article III courts work sometimes in these incidents. Their amendment takes those options away completely. I also point out that Guantanamo Bay is not an enormous facility. They already have 40 people waiting in line for military tribunals. Many more will backlog that.

But I want to come back to my amendment that will come up later. Domestically, we have proven that Article III courts are more than adequate. Overseas, we've proven that we need multiple options. So this amendment sort of is in reverse of what the facts bear out that we should be doing, and I urge opposition to it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. ROONEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SMITH of Washington. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. BARTLETT

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112–485.

Mr. BARTLETT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle A of title XXVIII, add the following new section:

SEC. 28___. USE OF PROJECT LABOR AGREEMENTS IN MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

(a) REQUIREMENTS.—Section 2852 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary of Defense and the Secretaries of the military departments, when awarding a construction contract on behalf of the Government, in any solicitations, bid specifications, project agreements, or other controlling documents, shall not—

''(A) require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations; and

''(B) discriminate against or give preference to bidders, offerors, contractors, or subcontractors based on their entering or refusing to enter into such an agreement.

''(2) Nothing in this subsection shall prohibit a contractor or subcontractor from voluntarily entering into an agreement with one or more labor organizations, as protected by the National Labor Relations Act (29 U.S.C. 151 et seq.).''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply to construction contracts awarded before the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Maryland (Mr. BARTLETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. BARTLETT. Mr. Chairman, I yield myself such time as I may consume.

This is a very simple amendment. I would first like to make two statements that I think are generally recognized facts. One of those is that only 11.8 percent of our workforce belongs to a PLA; secondly, that PLA contracts in the government on the average cost the taxpayer 12 to 18 percent more than a non-PLA contract.

Our amendment is very simple. It is not prescriptive. It is simply permissive. It says that the government will not discriminate in awarding contracts whether you're a PLA, not PLA, whether it's a mixture of PLA and non-PLA companies, that they will be considered equal and fairly. If, in fact, a PLA contractor is more efficient and does better quality work as they contend, then that will be taken into account in the award of the contract. You do not have to award to the lowest bidder. You can award on the basis of best value.

I think that this amendment is a commonsense amendment that anybody who believes in the free enterprise system ought to support, and I reserve the balance of my time.

Mr. COURTNEY. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Connecticut is recognized for 5 minutes.

Mr. COURTNEY. Mr. Chairman, I rise in strong opposition to my friend Mr. BARTLETT's amendment, which, in fact, does the opposite of what it was purported to do.

Presently the status quo allows the Department of Defense to have two choices: yes, they can use a project-labor commitment or a prehiring-labor agreement that establishes terms and conditions of employment, or now they can elect not to enter into a PLA. The effect of this amendment would, in fact, remove the Department's ability

to have a PLA requirement in terms of hiring terms and conditions.

The reason why those models work right now and have worked for decades is it gives the Department of Defense the opportunity to set conditions regarding security screening, apprenticeship programs, veteran hiring programs. The Helmets to Hardhats program—which is one of the most successful programs of integrating veterans returning from Iraq and Afghanistan into the building trades—is done under a PLA arrangement. It also allows local job markets to be incorporated into military construction projects. Again, the Department now presently has the option not to use PLAs. This amendment would, in fact, rob the Department of that opportunity.

With that, I reserve the balance of my time.

Mr. BARTLETT. Mr. Chairman, I yield 2 minutes to my friend from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding, and I rise in support of the Bartlett-Flake amendment.

Let me just clear something up if I can. What has happened is the President issued an executive order where he encouraged the Federal Agencies to—where they can and where appropriate—employ PLAs. That might seem fine. The problem is some of the Federal Agencies have taken that to mean that they should require PLAs, and some of them have issued guidance to that effect. So they've taken what the President said and taken it one step further.

What we're trying to do here is simply say that you cannot favor PLAs, nor can you prohibit them, and that the Federal Agencies will be neutral in this regard. To say that it would prohibit the use of PLAs is simply not true. We're simply trying to keep the President or the Federal Agencies from putting their finger on the scale in favor of PLAs or against them. That's what this amendment does, and I'm proud to support it.

Let me just say that this amendment was offered in the Appropriations Committee yesterday in the Military Construction bill, and it was passed by a voice vote. There is a recognition that the President has—unwittingly or not—put his finger on the scale in favor of PLAs or union shops, and that's just not fair. The President and the Agencies ought to be neutral in this regard.

PLAs might make sense; they might not. What we ought to do is ensure that the taxpayer gets the biggest bang for the buck. That's the purpose of this amendment, and that's why I support it.

Mr. COURTNEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Chairman, I thank the gentleman for yielding, and I rise in strong opposition to the Bartlett-Flake amendment. This amendment would indeed seek to prohibit Agencies from using a PLA. It is not as the gentleman from Arizona has just stated.

Let me clear something up. Large-scale construction projects—look, I was an ironworker for 18 years. I've run work. I was an ironworker foreman, an ironworker general foreman. PLAs are a great advantage to have in a complex construction project.

This amendment and the PLA provision that's already in the President's executive order applies to projects that are $25 million and over. All of those projects below $25 million don't get affected by the PLA executive order. What the PLA does require, as Mr. COURTNEY has pointed out, is it does require compliance with statutory compliance with workers' comp law, statutory compliance with anti-discrimination law, with proper classification of workers, and with health and safety laws on some very dangerous job sites.

It is a good idea to reject the Bartlett-Flake amendment and allow the PLAs to be used when appropriate.

□ 1700

Mr. BARTLETT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. I thank the gentleman for yielding.

Mr. Chairman, I stand in strong support of this amendment, an amendment that I think speaks to a rationality in our contracting, and especially when we think of what we're talking about here in the defense world.

It's one thing to have PLAs that virtually make unfair competition for 86 percent of all of our construction contractors, because 86 percent, nationwide, don't have PLA agreements, they're nonunion, and yet have skilled workers doing the jobs they are expected.

For defense contracting to have a mandate that there must be a PLA agreement in place oftentimes will put our defense industry in the position of accepting a product that is more expensive and potentially of a lesser quality in the process.

This is not a mandate. This says choice can be made either way. And I think it needs to be made very clear that's all we're saying. It is neutral. It is not, as was described by others, that this would take PLAs out of the mix.

I stand in strong support for this, and I ask that this amendment be applied to ultimately make a stronger defense capability for our country.

Mr. COURTNEY. Mr. Chairman, I yield 1 minute to the gentlelady from Hawaii (Ms. HANABUSA), who is a member of the Armed Services Committee.

Ms. HANABUSA. I thank the gentleman from Connecticut.

I rise in opposition to the Bartlett amendment because I think the Bartlett amendment doesn't quite understand the difference between a project labor agreement and a collective bargaining agreement.

This amendment targets Executive Order 13502, which encourages the use of PLAs in construction contracts of $25 million or more. And the reason is that it's historically something that we have supported.

Ironically, in 1992, there was a Supreme Court decision that defined PLAs, called the Boston Harbor Agreement, which was under President Bush, who had a similar executive order that prohibited the use of PLAs. It was Bush's solicitor Kenneth Starr that argued for the PLAs. And he said the reason why you would use them is because of timely completion, labor peace and stability, labor supply, and for public purpose. This is the reason why you would use PLAs.

We know that historically, this has been one of the best ways to do these major construction projects. What the Bartlett amendment does is it will tie the hands of the Department of Defense.

Mr. BARTLETT. Mr. Chairman, may I inquire how much time remains?

The Acting CHAIR. The gentleman from Maryland has 1½ minutes remaining. The gentleman from Connecticut has 2 minutes remaining.

Mr. BARTLETT. I yield 1 minute to my good friend from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Chairman, I rise today in support of amendment No. 8, the Bartlett-Flake amendment, to H.R. 4310.

The amendment will prevent the DOD from requiring contractors to sign expensive union-favoring project labor agreements as a condition of winning Federal construction contracts for projects authorized by the bill.

Under a PLA, the construction firm must agree to sign a union collective bargaining agreement, whether it's unionized or not, before it can bid on a government project. PLAs can result in increased costs for contractors and taxpayers by as much as 18 percent and cause unnecessary procurement delays and political favoritism in the Federal procurement process.

At a time when the Department of Defense is facing devastating across-the-board cuts, it simply does not make sense to encourage PLAs. I urge my colleagues to support the amendment.

Mr. COURTNEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the gentleman very much for yielding.

We've seen this amendment a number of times in the 112th Congress, and, sadly, it doesn't get any better. It's based upon the misconception that somehow PLAs are costing the taxpayer money.

Definitive research was done by the Department of Veterans Affairs that concluded that it really depends on what part of the country you are in and whether you have a heavily unionized workforce in your area or you don't. They concluded that PLAs are productive and actually come in on time and under budget in areas where you have a

heavy unionized workforce and not so much in areas where you don't. And that makes sense because you have to bring people in to do the work.

The amendment, I think, is being billed as ''we just want people given a choice,'' but come on. The people that are advocating this hate PLAs. They don't want PLAs. They want to kill project labor agreements. So this was craftily drafted by the Associated Builders and Contractors to pretend that we're going to give people a choice when they really don't want people to have a choice.

Please reject this. We don't have to go out. And the President's executive order is clear. All it says is you have to consider PLAs in the mix. And I urge us to reject the amendment.

Mr. BARTLETT. Mr. Chairman, maybe it's because I am a scientist, but I'm having some trouble understanding how an amendment that specifically says that it is nondiscriminatory, that it's going to be totally agnostic to whether an organization is PLA or not PLA, somehow excludes PLAs in contention. That is certainly not what the amendment does.

I think this is a very commonsense amendment. I think that very few Americans would like to exclude nearly 90 percent of American workers in contention for Federal contracts. This is a fair, commonsense amendment, and I urge it's acceptance by both sides.

I yield back the balance of my time.

Mr. COURTNEY. Mr. Chairman, to conclude, again, there is a myth that somehow President Obama's executive order has swept through all the Federal agencies, and PLAs are now a mandated requirement. The fact of the matter is that is not the way the executive order reads. The Department of Defense has, in fact, granted only one PLA since President Obama's executive order was issued in January of 2009. As Mr. LYNCH said, that executive order exempts projects $25 million or less.

I would be happy to invite Members to my district to a military base where there has not been one PLA contract; although, we've done a number of projects on our Navy base.

So the fact is that the option exists today. This amendment would remove that option to the Department of Defense, which, again, has obviously exercised it very judiciously because they've only done one PLA since January of 2009.

Again, I urge Members to reject this amendment which handcuffs the Department of Defense to set up prehiring agreements that can help veterans, the local workforce, and apprenticeship programs for young Americans who want to get an opportunity to learn a building trade.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. BARTLETT).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SMITH of Washington. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. CONYERS

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112–485.

Mr. CONYERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle C of title I, add the following new section:

SEC. 132. TERMINATION OF THE F–35B AIRCRAFT PROGRAM.

(a) TERMINATION.—

(1) PROCUREMENT.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 or any year thereafter may be obligated or expended to procure an F–35B aircraft, including through advance procurement.

(2) R&D.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or otherwide made available for fiscal year 2013 or any year thereafter may obligated or expended for research or development of F–35B aircraft.

(b) F/A–18E/F.—In accordance with section 128 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2217), as amended by section 123, the Secretary may procure an additional number of F/A–18E or F/A–18F aircraft, or combination thereof, that is equal to the number of F–35B aircraft that the Secretary planned to procure as of the date on which the budget of the President was submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2013.

(c) CORRESPONDING FUNDING REDUCTION, INCREASES, AND DEFICIT REDUCTION.—

(1) REDUCTION.—

(A) PROCUREMENT.—Notwithstanding the amounts set forth in the funding tables in division D, the amounts authorized to be appropriated in section 101 for aircraft procurement, Navy, as specified in the corresponding funding table in division D, is hereby reduced—

(i) by $1,404,737,000, with the amount of the reduction to be derived from F–35B aircraft under Line 007 JSF STOVL as set forth in the table under section 4101; and

(ii) by $106,199,000, with the amount of the reduction to be derived from F–35B aircraft under Line 008 Advance Procurement (CY) as set forth in the table under section 4101.

(B) R&D.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Navy, as specified in the corresponding funding table in division D, is hereby reduced by $737,149,000, with the amount of the reduction to be derived from under Line 133, Program Element 0604800M, Joint Strike Fighter (JSF) - EMD, as set forth in the table under section 4101.

(2) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101 for aircraft procurement, Navy, as specified in the corresponding funding table in division D, for Line 003 F/A–18E/F (Fighter) Hornet is hereby increased by $459,645,614.

(3) BALANCE FOR DEFICIT REDUCTION.—Of the amounts reduced pursuant to subparagraphs (A) and (B) of paragraph (1), $1,788,439,386 may not be made available for any purpose other than deficit reduction.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I am joined on this amendment by my colleague from Minnesota, Mr. KEITH ELLISON.

This amendment is simple in that it merely terminates the most expensive weapons system of the Department of Defense in its history, that is, terminating the F–35B Joint Strike Fighter.

Well, why? Well, because there are many other planes that have capabilities that rival the F–35B and yet cost far less to buy and operate. Our amendment would save $50 billion over the life of this program.

The termination of this program has been recommended by so many groups. I will mention a few: The Project on Government Oversight, Taxpayers for Common Sense, the Cato Institute, the Center for American Progress, the Public Interest Research Group, the National Taxpayers Union, our colleague Senator TOM COBURN of Oklahoma, and the Bowles-Simpson Commission. Please join us in a very simple idea.

I reserve the balance of my time.

□ 1710

Mr. MCKEON. I rise, Mr. Chairman, to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I oppose the Conyers amendment. The F–35B is a short takeoff and vertical landing variant of the F–35 stealth fighter, and it's in the final stages of development and has entered low-rate initial production. The F–35B will operate from large deck amphibious ships as well as have the capability to operate from forward operating bases and damaged air strips to support Marine Corps ground maneuver forces ashore.

The Commandant of the Marine Corps, General Amos, wrote to the committee yesterday and said:

The importance of the F–35B short takeoff vertical landing variant to the Marine Corps and the Nation cannot be overstated.

The F–35B has made significant progress in the last year, under General Amos' guidance, by completing all of the plan test points in 2011 and accomplishing 260 vertical landings. If passed, this amendment could have major negative impacts to our Nation's future combat power, increase the cost of the overall F–35 program, and negatively affect the eight international program partners in foreign military sales.

I urge my colleagues to vote ''no'' on the Conyers amendment.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to my cosponsor of the amendment, the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. I don't stand up here before you representing myself as some great expert on airplanes, but I am a Member of this body who is very concerned about the deficit and about spending. And we must save money, particularly where we need to.

Now, when the Simpson-Bowles Commission says that this particular airplane is not necessary and should be cut—and recommendation 47, cancel the Marine Corps version of the F–35—I have to stop and take notice. When other organizations, many of which are fairly conservative groups—Taxpayers for Common Sense, the Cato Institute—no bleeding heart liberals there—the Project for Government Oversight, the National Taxpayers Union, the Project on Defense Alternatives, and the Center for American Progress, all agree that this is a wasteful program which we can save money with, I think we've got to stop and we've got to take notice.

Now I notice my colleague on the other side of the aisle was making very good points, and they sound very similar to some points I read earlier today from a memo from somebody from Lockheed Martin. Lockheed Martin is a private contractor who is making the program.

The talking points that they sent out are essentially arguing so that they can ensure a commercial success of their particular project, which they have a financial interest in. But they make no claim of cost. They do not say that this is an exorbitant expense that people who have an eye toward budget are saying is not worth the money.

We're not asking for the F–35A or F–35C to be cut. But we are saying that this particular program, where there is a diverse and broad range of parties who say that this is not a necessary program, should be cut and can be replaced by other good alternatives, and I think we have need to pay attention to that. I'm sure my friends who repeat constantly that, We're broke, we're broke, we're broke, would agree.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, a member of the committee and the chairman of the Veterans' Affairs Committee, the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. I first want to start off by inviting my colleagues that oppose the F–35B to visit Eglin Air Force Base in the Florida Panhandle, home of the 33rd Fighter Wing, where the sixth operational F–35B was recently delivered. The aircraft is performing well, and this year it is exceeding program expectations.

The F–35B is the tactical strike aircraft that will, in fact, enable our marines to defeat and deter advanced threats well into the future. The groups that you don't hear the opponents talk about is the fact that the President supports it, the Secretary of Defense says we need it, the chairman of the Joint Chiefs of Staff says we need it, the Commandant of the Marine Corps says we need it. Nobody is saying that the F–18 out there is not a highly capable fourth-generation aircraft, but it has been meeting our needs for three decades now. The F–35B is designed to defeat the threats of our adversaries that they are developing today.

If we are to maintain our air superiority and defeat 21st century threats, we need more than a 20th century aircraft.

Mr. CONYERS. I yield myself 1½ minutes.

An incredible number of organizations and people, both Democratic and Republican Members of the House and Senate, have called the F–35B program a scandal and a tragedy—and that is quoting the senior Senator from Arizona, Senator MCCAIN—and Under Secretary Frank Kendall has referred to the process of developing and producing the F–35 as ''acquisition malpractice.''

And then, even worse, the serious performance issues that caused in 2010 Secretary Gates to stop production and place the program on 2 years probation. And according to the Department's figures, the F–35B has driven cost overruns and is directly responsible for scheduled delays in the overall development program. And it isn't even qualified to participate in close air support mission for the Marine Corps' need. It's far too vulnerable for this role, which requires low, slow flying. The Marines would be much better served to utilize the Army's excess A–10s, which have a far superior range and payload capability.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. I yield 1 minute to my friend and colleague, the ranking member on the committee, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Without question, the F–35 has been a troubled program. It's been more expensive than we would like it to be and has underperformed. It is getting better, as the chairman mentioned.

There are a number of problems with this amendment, however. First of all, in replacing the F–35B—that's the Marine Corps variant; it's a vertical takeoff plane. I know Mr. KLINE will do a much better job of explaining this in a moment than I will. The Marine Corps is an expeditionary force. They need to insert themselves. That's why they need a vertical takeoff plane. The F–18 that is proposed to replace it is not a vertical takeoff. It is not a replacement for the F–35B.

Second, the F–35 is a vastly more capable plane than the F–18. It is all about stealth and being able to get in on targets. The F–18 cannot get to the areas that the F–35 could get to to deal with adversaries like Iran or North Korea and those surface-to-air missiles. It is a much more capable plane.

If we cut this variant, we will also jeopardize the entire program, not just this variant. Our foreign partners are likely to withdraw. It will undermine our per-unit cost to the point where sustaining the program will be very difficult.

It is unfortunate at this point the degree to which we have to rely on this program. But it's going to be 95 percent of our fighter attack aircraft fleet in 10 years. We have to make it work. Therefore, I oppose this amendment.

Mr. MCKEON. I yield 1 minute to my friend and colleague, a member of the committee, chairman of the Education Committee, and a marine pilot, the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. I thank the gentleman for yielding.

Mr. Chairman, I rise today to oppose the gentleman's amendment and impress upon my colleagues the importance of the short takeoff vertical landing capability of the F–35B and its contribution to the continued success of the United States Marine Corps.

Mr. Chairman, so many years ago, as a young marine and a young marine pilot, I remember watching a jump jet—a Harrier—hovering over the ground. That Harrier, that AV–8A, went from being a novelty to growing and maturing to becoming an essential, integral part of the Marine air-ground team. That Harrier today is old and getting outdated and needs to be replaced.

Similarly, I've watched the magic of the FA–18, a fantastic, top-of the-line, frontline fighter. Terrific aircraft. It can't take off and land vertically. It doesn't have the capability. And we need those capabilities that the ranking member, Mr. SMITH, talked about—the stealth capability, the advanced capability—to become that integral part of the Marine air-ground team.

So I encourage my colleagues to support the continued development of the F–35B and oppose the gentleman's amendment.

The Acting CHAIR. The gentleman from California has one minute remaining.

□ 1720

Mr. MCKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, a member of the committee, the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Chairman, I thank the chairman for yielding me this 1 minute.

Again, all of the points about why this program, which was struggling a couple of years ago, has now really shown great promise in terms of the tests that show that a lot of the criticisms that we've heard on the floor are, to some degree, out of date, with all due respect to the proponents.

I think it is important for people to recognize that we made a decision as a

country a number of years ago to cancel the F–22 program, that the fifth generation program of the future is going to be the F–35. And there are many other nations around the world, frankly, that are watching this debate—Australia, our European allies—who are all going to participate in the Joint Strike Fighter program. I think it is critically important that we make a statement that we are going to move forward with this program. Their navies and their aircraft carriers are also going to be investing in these platforms. And, again, with the progress that is being made, I think it is important for us to send a strong signal internationally that this is a program that America is going to continue to invest in.

Again, I respectfully rise to oppose this amendment and urge a ''no'' vote.

Mr. MCKEON. I yield back the balance of my time.

Mr. GINGREY of Georgia. Mr. Chair, I rise in strong opposition to the Ellison/Conyers amendment.

Simply put, if the goal is to deprive the Marine Corps of the Short Take-Off Vertical Landing variant of the F–35, designed to replace its aging Harriers and F–18's—while simultaneously increasing the per unit cost of Joint Strike Fighters—then this amendment achieves it.

The STOVL variant is desperately needed for the execution of short takeoffs and vertical landings in combat deployments aboard amphibious assault ships and in austere conditions ashore.

It will provide the Marines with a much more capable tactical fighter force that meets the future threats facing our nation.

This misguided amendment is opposed by the Department of Defense and the Marine Corps, not only because it would invest in yesterday's technology at the expense of tomorrow's, but because the F–35B has performed exceedingly well over the past 18 months, testing ahead of schedule in both 2011 and 2012.

Because the F–35B is urgently needed by the Marine Corps and our international partners, I urge my colleagues to defeat this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The amendment was rejected.

AMENDMENT NO. 10 OFFERED BY MR. QUIGLEY

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112–485.

Mr. QUIGLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle C of title I, add the following new section:

SEC. 132. ELIMINATION OF AVAILABILITY OF FUNDS FOR PROCUREMENT OF V–22 OSPREY AIRCRAFT.

Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101 for aircraft procurement, Navy, as specified in the corresponding funding table in division D, is hereby reduced by $1,303,120,000, with the amount of the reduction to be derived from Line 009 V–22 (Medium Lift) as set forth in the table under section 4101. The amount of such reduction shall not be available for any purpose other than deficit reduction.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Illinois (Mr. QUIGLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. QUIGLEY. Mr. Chairman, I rise to offer an amendment with my friend from Illinois (Mr. GUTIERREZ) to cut funding for the V–22 Osprey and put the savings toward deficit reduction.

As many know, the Osprey has a long and troubled past. According to a 2009 GAO report, the Osprey was not suited to fly safely in extreme heat, excessive sand, or under enemy fire. The GAO also found that the Osprey was 186 percent over budget, costing over $100 million per unit to produce, or five times more than the Sea Knight helicopter it was designed to replace.

More recently, the Pentagon testing found that the readiness rate of the V–22 was well below that of traditional aircraft, noting:

Its average mission capable rate was 53 percent from June 2007 to May 2010, well below the required rate of 82 percent.

Sadly, due to these severe shortcomings, the V–22 has taken the lives of 36 individuals, including 31 servicemembers. Just last month, two marines lost their lives when an Osprey crashed in Morocco.

Now, I understand that since the 2009 report, a number of improvements have been made. Costs are being reduced and safety is being improved. I also understand the unique benefits the V–22 can provide to our servicemembers, especially for rescue operations. But these operations can be completed with less expensive helicopters. And here's the bottom line: we're emerging from a recession. We have a deficit topping $1 trillion for 4 straight years, and we have limited resources, which means we have to make choices.

As we look to reduce our deficit, we have to put everything on the table, including defense. Defense spending comprises close to 20 percent of our budget and yet this Defense authorization completely exempts any cuts from defense. In fact, it actually increases spending by over $4 billion over the President's request.

We have to take a hard look at what we are spending and ask ourselves: Is this essential? Given its continued cost overruns, poor safety record, and the fact that it can be replaced with less expensive helicopters, I think it is clear that the V–22 is not essential. At best it's suboptimal. It is certainly not essential. And I'm not alone. President George H.W. Bush tried to zero out funding for the V–22, but Congress wouldn't let him. Former Defense Secretary Dick Cheney tried to zero out funding for the V–22, but Congress wouldn't let him. And now the President's Bipartisan Fiscal Commission, the Bipartisan Policy Commission, and the Sustainable Defense Task Force have all recommended cutting the V–22 and replacing it with less expensive MH–60 helicopters.

But the reality is one of the reasons we block cuts to the V–22 is because 2,000 companies make supply parts for the Osprey from 40 States. I get it. The Department of Defense has become a jobs program. If all we're worried about is job creation, we'd be better off building bridges and transit programs because in the end we have to remember the big picture. Choosing to fund this over-budget, dangerous, nonessential plane means cuts in other vital areas such as education, infrastructure, and health care.

I encourage my colleagues to join me in scrutinizing this budget, setting priorities, and cutting programs that aren't essential in order to protect ones that are. This Defense authorization bill includes a long list of nonessential programs, all of which should be cut. But a vote for my amendment to cut the over-budget, under-performing V–22 Osprey is a step in the right direction.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. I yield 1 minute to my friend and colleague, a member of the committee, the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT. Mr. Chairman, if we don't buy these aircraft, it doesn't mean that we won't be buying other rotorcraft because there are missions that must be accomplished. This airplane will replace the CH–46E, and compared to the CH–46E, it has four times the range and carries twice as many combat-loaded personnel.

So the gentleman's goal of reducing spending, his amendment might result in exactly the opposite because obviously for many missions this will be far and away the most efficient aircraft.

Mr. Chairman, we need to reject this amendment because if we pass the amendment, it could very well result in increased costs to our military, not decreased costs, and less efficiency on many missions.

Mr. QUIGLEY. I continue to reserve.

Mr. MCKEON. Mr. Chairman, I yield at this time 1 minute to the ranking member of the committee, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, the V–22 was a troubled program. Certainly before it was finally developed, it went through a number of difficulties. But as the gentleman mentioned in offering the amendment, it has gotten over those difficulties; and, in fact, has been deployed in Afghanistan for a very long time. I was in Afghanistan, and I rode on a V–22. And so

it obviously can perform in desert environments. I was down in the Helmand province, and it is a very capable plane.

Again it has to do with the Marine Corps and the Marine Corps' capabilities. They are an expeditionary force. The vertical takeoff and landing ability of the V–22 is critical to what they do. As Mr. BARTLETT pointed out, it has longer range and greater capacity, and properly deployed and properly used, can actually make it cheaper than buying more helicopters that are necessary to accomplish that mission. It is a necessary program, certainly necessary for the Marine Corps. I would urge opposition to the amendment.

Mr. QUIGLEY. I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Texas (Mr. THORNBERRY), the vice chairman of the committee.

Mr. THORNBERRY. Mr. Chairman, I have before me an article from defense.aol.com from just a few months ago which was written by Richard Whittle, who wrote a whole book on the V–22. And as the editor says, this is as close to ground truth on the V–22 as one can get.

What he says is the marines and the Air Force Special Operations Command have been flying it in combat zones for 4 years, and they love it. He goes on to talk about problems in the early years, but the critics went to sleep in the middle of the story. In other words, they have not recognized the significant improvements that several people have talked about.

Since October 1, 2001, the military has lost 405 helicopters, 99 percent of them have not been V–22s; and yet this amendment comes only against the V–22 when it turns out the redesigned, retested Osprey safety record is the safest rotorcraft the Marine Corps flies based on mishaps per 100,000 flight hours.

When it comes to cost, since 2008 they are under budget and are actually going to save the taxpayers over $200 million versus what was budgeted. This plane is working well. This amendment is behind the times.

Mr. QUIGLEY. I continue to reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Pennsylvania (Mr. MEEHAN).

□ 1730

Mr. MEEHAN. Thank you, Mr. Chairman, for yielding.

Mr. Chairman, I rise strongly to oppose the Quigley amendment in this particular matter.

I'm grateful for the opportunity to speak on behalf of the V–22, on behalf of the marines who are using it in the theater of battle where it has proven itself. Indeed, if this argument were taking place in 2009, there might be a case to be made, but it's being made in 2012, where, in fact, I've got the testimony of the Commandant of the Marine Corps.

The Osprey has given the United States unprecedented agility and operational reach, unmatched by any other tactical aircraft. The Osprey is the cornerstone of the Marine ground task force. More significantly, with regard to cost savings, it has—procured under a multiyear procurement contract, it will actually save a proposed $825 million over single-year contracts, providing required capability for the Marine Corps. In addition, if we tried to replace it, there would be 74 percent more cost associated.

Reliability, cost, dependability, proof. I urge my colleagues to support the retention of the V–22.

The Acting CHAIR. The gentleman from Illinois has 1 minute remaining. The gentleman from California has 1 minute remaining and the right to close.

Mr. QUIGLEY. Mr. Chairman, the fact remains, studies still show this a dangerous vehicle. Studies still show it is suboptimal. Studies still show it is wildly over cost.

I want to help marines. I want to save marine lives. That's why this amendment is appropriate. It is, in the end, still dangerous pork with wings.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Pennsylvania (Mr. BRADY), a member of the committee.

Mr. BRADY of Pennsylvania. Thank you, Mr. Chairman, for allowing me the time.

Mr. Chairman, I rise in opposition, along with my colleague, Mr. FATTAH, to this amendment.

The V–22 Osprey program is a truly revolutionary system that is being used around the world today by both our United States Marine Corps and the Special Operations Command in support of our Nation's missions.

This amendment would eliminate the only cost-effective way to replace the fleet of aging medium-lift aircraft in our inventory. Canceling V–22 does not remove the requirement to replace legacy CH–46 and HH–53 airframes. It would only interrupt the carefully planned transition to a more capable and more cost-efficient alternative—at an additional expense to the American taxpayer.

I quote the United States Air Force Special Operations Command Commander, Lieutenant General Donald Wurster:

> This aircraft is the single most significant transformation of Air Force Special Operations since the introduction of the helicopter. Nearly every mission we have faced in the last 20 years would have been done better and faster with the V–22.

Mr. Chairman, who are we, sitting here guarded and completely safe, to not listen to the brave men and women and their commander and not give them everything they need and request to keep them safe and give them the tools to do their job?

I urge you to support the President's budget request and vote ''no'' on the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY).

The amendment was rejected.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mrs. HARTZLER) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2415. An act 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''.

H.R. 3220. An act 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''.

H.R. 3413. An act 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''.

H.R. 4045. An act to modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date.

H.R. 4119. An act to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

The message also announced that the Senate has passed with amendments a bill of the House of the following title:

H.R. 4849. Amendment.

The SPEAKER pro tempore. The Committee will resume its sitting.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The Committee resumed its sitting.

AMENDMENT NO. 11 OFFERED BY MR. MARKEY

The Acting CHAIR (Mr. SIMPSON). It is now in order to consider amendment No. 11 printed in House Report 112–485.

Mr. MARKEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In title II, strike section 211 and insert the following new section:

SEC. 211. DELAY OF NEW LONG-RANGE PENETRATING BOMBER AIRCRAFT.

(a) PROHIBITION ON FUNDS.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or otherwise made available for any of fiscal years 2013 through 2023 for the Department of Defense may be obligated or expended for the research, development, test, and evaluation or procurement of a long-range penetrating bomber aircraft.

(b) REDUCTION OF FUNDS.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Air Force, as specified in the corresponding funding table in division D, is hereby reduced by $291,742,000, with the amount of the reduction to be derived from Line 042, Program Element 0604015F, Long Range Strike, as set forth in the table under section 4201.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of my amendment.

Here's what my amendment says: Why are we building a new nuclear bomber? It's 2012. The B–52s that we have—93 of them—are going to last until 2040. The B–2s we have are going to last until 2058. That's when they begin to retire.

Now, of all the things America doesn't need right now, it's a brand new nuclear bomber.

We're talking about cutting Medicare or Medicaid out here on the floor, there's not enough money to invest in research to find the cure for Alzheimer's, but we need a new nuclear bomber for $18 billion? It makes no sense. It's insane. We don't even have any more targets to hit them with.

Every single nuclear submarine we have has 96 independently targetable nuclear warheads on board. That's 96 cities in the Soviet Union, the bombs in the Soviet Union would destroy, 96 cities in China destroyed by one submarine. We already have 93 B–52s. We have 20 B–2s. We have ICBMs ready to launch. And they want to build a new bomber, a nuclear bomber with nuclear bombs. By the time the new nuclear bomb arrives, there will be no place to hit. All the old bombers, all the nuclear submarines will have hit all the targets.

The boom we should be listening to is the baby boom. We need money for Medicare. We need money for Medicaid. We need money for Social Security. We need money to invest in finding the cure for Alzheimer's and Parkinson's. That's the boom that's going to hit American families. That's the fear people have.

The fear that people have is not that they're going to be in a nuclear war. The fear that people have is that there's going to be a terrifying call that comes into their family that tells them that they now have another case of Alzheimer's in their family, that it has not been cured.

Each one of these bombers could double the size of the budget to find the cure for Alzheimer's. That's what we should be doing. That's the real terrorist that people are afraid of coming into their lives.

At this point, Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentlemen from California is recognized for 5 minutes.

Mr. MCKEON. I just might note that the B–52s that have been around that their grandchildren are flying now that the original pilots flew, the B–2s, we have 20. I inquired the other day how many of them were ready to go on a mission—maybe eight. So I think that all of this talk about nuclear, the next bomber is the next generation bomber that will deliver all kinds of weapons, not just nuclear.

I yield, at this time, 2 minutes to my friend and colleague, the gentleman from Louisiana (Mr. FLEMING).

Mr. FLEMING. I thank the gentleman for yielding.

Delaying development of the new bomber for 10 years would put the average age of the bomber fleet over 50 years old by the time a new bomber was fielded, our oldest of which, the B–52, would be nearly 75 years old. It would create unacceptable levels of risk regarding power projection requirements and would affect our national security.

The Air Force has only 19 B–2 stealth bombers in the inventory, but they are 1980s technology, very maintenance intensive and very expensive to own and operate. The aircraft availability rate of the B–2 bomber fleet today being ready at a moment's notice for a mission is currently less than 40 percent.

A mainstay of the U.S. global military power is the ability to conduct long-range conventional or nuclear strike missions anywhere in the world and against any type of threat. Therefore, it is imperative to maintain a credible bomber fleet.

The Air Force plans to affordably, cost-effectively develop off-the-shelf technology—stuff that exists today—instead of inventing new technologies which in the past have led to cost overruns.

And I would say to the gentleman, don't just take my opinion. It's in the President's budget, so the administration obviously supports it. The Air Force says it's one of its top priorities.

We're in a day when oftentimes Congress wants things for the Pentagon that the Pentagon doesn't want. In this case, the Pentagon and the Air Force wants it. But let me quote what the Air Force said:

> Delaying the long-range strike bomber program for 10 years would create unacceptable levels of risk in our ability to directly support future power projection requirements, significantly impacting national security. The long-range bomber will possess unique capabilities, including long-range, significant payload capacity, operational flexibility, and survivability in anti-access environments. It will replace existing bomber aircraft, some of which will be over six decades old when the long-range strike bomber reaches initial operational capability.

□ 1740

Mr. MARKEY. Could the Chair inform me as to how much time is remaining on our side?

The Acting CHAIR. The gentleman from Massachusetts has 3 minutes remaining. The gentleman from California has 2½ minutes remaining.

Mr. MARKEY. I yield myself as much time as I may consume.

Again, the experts all say that if we delay this just 10 years, which is all I'm asking for, a 10-year delay, since the B–2s and the B–52s aren't beginning to retire until between 2040 and 2058. All that Mr. WELCH and Mr. CONYERS and I are saying is, if we delay it for 10 years, there's still plenty of time to build them if there's a need.

But to begin to build new things right now with this era of tremendous budget deficits, when we should just be trying to find a way to reduce our deficits, you know, balance this budget, it's just wasteful. It's wasteful. And I just want to balance the budget. And if we're wasting money on projects like this, then we have no chance of doing anything about this deficit reduction.

So, again, experience shows us that it only takes 16 years, not 30, to bring a new bomber from the drawing board to the runway.

There are millions of families out there who are trying to get by with a car that's a few years old and just keep it going. The Air Force has already spent over $6 billion refurbishing all these planes. They plan on spending billions more on refurbishing them. There's no reason to believe they can't go out to the year 2060.

This is not the year for us to be spending this money.

I reserve the balance of my time.

Mr. MCKEON. I yield 30 seconds to the gentlewoman from Guam (Ms. BORDALLO), my friend and colleague.

Ms. BORDALLO. Mr. Chairman, I oppose amendment No. 11. It would delay research and development funding for the NextGen bomber. The bomber is critical to replacing an aging fleet. The new bomber is needed so we don't raid our readiness accounts.

This is about the bomber carrying nuclear weapons. It does a lot more than just carry nukes. It deters aggressors and even provides maritime surveillance, especially in the Asia-Pacific area. Congress opposed a similar amendment last year and, as cochair of the Long Range Strike Caucus, I urge my colleagues to oppose this amendment again this year.

Mr. MARKEY. Again, could you, Mr. Chair, tell me how much time I have?

The Acting CHAIR. The gentleman from Massachusetts has 1½ minutes remaining. The gentleman from California has 2 minutes remaining.

Mr. MARKEY. I yield myself as much time as I may consume.

Just look at this from the perspective of an ordinary family. They've already got three cars in the driveway. Everyone says to them, you can go another 100,000 on those three cars. And

yet the decision is made by some of the family members, we're going to buy a brand new, top-of-the-line car right now, even though the whole family is in debt. Everyone in the neighborhood would think that's crazy.

That's what we're doing here today. The majority is saying, let's build a brand new bomber, a gold-plated bomber that's been on the wish list of the Air Force for a generation, even though we have plenty of bombers, nuclear bombers in an era where there aren't any more nuclear sites that we can be bombing around the world, and we're just going to waste the money.

We should be balancing the budget. We have to tighten our belt. And I just urge the majority to reconsider this. We have to save the money. And there just are no targets, and there are plenty of bombers we have that can last out to 2060.

I reserve the balance of my time.

Mr. THORNBERRY. I ask unanimous consent to control the time of the gentleman from California, Mr. Chairman.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri (Mrs. HARTZLER), a member of the committee.

Mrs. HARTZLER. I think this amendment is very curious when the Secretary of Defense came out with a new defense strategy last year, and they came out and said that the long-range strike fighter is one of their top priorities. And yet a Member of their own party is trying to do away with that.

As you know, gentlemen, over 50 percent of the cuts so far have come from our national defense. And there's only a few things we're supposed to be doing here in Congress, and one of them is provide for the common defense.

I have the honor of representing the B–2 bombers at Whiteman Air Force Base, and I couldn't be prouder of the good work that they are doing. But we have 19, right now, aircraft. If we approve this amendment, it would be over 50 years old by the time that we would be moving forward with looking at the future, and we'd have the B–2s at 75 years old.

I would use his analogy and say a family would not wait until the car is 50 years old, broken down in the garage and won't start before they go consider advancing and getting a new car.

We need to be proactive. We need to make sure that our defense industry remains strong. We need to be proactive. We need to oppose this amendment and continue to support our long-range strike fighters.

Mr. MARKEY. I yield myself the remainder of my time.

We're $15 trillion in debt—$15 trillion. We've got all the bombers we need. They can last to 2060. We don't need a new nuclear bomber. Okay? We just don't need a new nuclear bomber. We don't have the targets for them, we can't afford them, and we don't need them. How's that for a combination?

Let's just cut back on something on this defense budget. Does it have to be the entire wish list of every single defense contractor in the United States, regardless of whether or not it relates to the military needs of our country?

And by the way, 30 or 40 years from now, $18 billion. We can postpone it 10 years, still have the brandnew planes ready to go in 2050 and 2060. We should be saving money for this generation right now, not just passing it on for the next generation.

I urge an ''aye'' vote, and I yield back the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I yield 30 seconds to the gentlewoman from South Dakota (Mrs. NOEM).

Mrs. NOEM. Mr. Speaker, earlier today I was on this House floor commemorating the 70th anniversary of Ellsworth Air Force Base, which is in my great State of South Dakota.

Our bomber fleet, the average age is 40 years old. Old dogs can learn new tricks, and our bombers are certainly doing that. They've been updated as much as they possibly can be, but they do eventually still get older.

I will tell you that the B–1 bomber has performed admirably over the last three decades, and so has the B–2 and the B–52. But I will tell you, we must continue to upgrade and to maintain our bomber fleet. And I will tell you that prohibiting development of the new generation bomber for 10 years is shortsighted. It puts our national security at risk.

I am going to urge my colleagues to vote against this amendment.

Mr. THORNBERRY. Mr. Chairman, I yield the remaining time to the distinguished ranking member of the Appropriations Committee, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I rise in strong opposition to the Markey amendment. I know my friend is trying to be humorous, but this is a very serious subject.

I was one of the leaders who worked to do the B–2 bomber. That took us between 15 and 20 years. Now, the reason we're starting is we've got to pull this technology together and try to do this for less money. And we need a long-range, modern, penetrating bomber with conventional weapons.

The nuclear weapon isn't the priority to me. It's the smart, conventional weapons that give us an enormous capability.

Let's vote ''no'' on the ill-conceived Markey amendment. And if he wants to look at something, tell him to look at land-based missiles.

Mr. THORNBERRY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 112–485.

Mr. POLIS. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 63, line 15, strike ''$1,261,000,000'' and insert ''$857,695,000''.

Page 64, after line 2, insert the following new subsection:

(c) REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in this section for the ground-based midcourse defense system, as specified in the corresponding funding table in division D, is hereby reduced by $403,305,000, with the amount of the reduction to be derived from Ballistic Missile Defense Midcourse Defense Segment, Line 080, East Coast site planning and development, and EIS work program, as set forth in the table under section 4201. The amount of such reduction shall not be available for any purpose other than deficit reduction.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

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

Mr. Chair, my amendment would reduce funding for the failed Ground-based Midcourse Defense (GMD) program by $404 million. This missile defense program was designed to intercept limited intermediate and long-range intercontinental ballistic missiles before they reenter the Earth's atmosphere. Now, a fine idea. But the only problem is that while this failed missile defense program rarely hits anything, it continues to cost taxpayers billions of dollars.

If we're going to target wasteful spending, then a missile defense program that can't hit its targets is a good place to achieve taxpayer savings. This program has documented failure after failure.

In a time of large deficits and increasing debt, Congress should have to justify every penny that we spend of taxpayer money, and there isn't any justification for spending an additional $400 million on a weapons program that simply doesn't work.

Since 1997, the system has failed more than half its tests, missing its target 9 in 17 times.

□ 1750

The scheduled March flight test was cancelled because they're still evaluating the previous failures.

Lieutenant General Patrick O'Reilly, the Director for the Missile Defense

Agency, testified that the flight test failures weren't because of lack of funds.

In fact, he said:

I don't think those failures would have been avoided if we would have had a larger or a lesser budget than we had.

This is not a problem that we can solve by throwing more taxpayer money and larger deficits after it. American taxpayers cannot afford a Congress that keeps spending money on programs that don't work.

Now, I'm sure the other side will discuss the issues of why there is strategic importance to a long-range missile threat and to preventing attacks from North Korea and Iran, neither of which currently possess the ability to launch a missile, but a missile defense system that doesn't actually defend against missiles is no defense at all.

My amendment would cut funding for this program by $400 million just as the Government Accountability Office, the GAO, recommended. They took a close look at GMD and settled on a reasonable recommendation, which is that we would cut spending by $403 million. It's what my amendment is.

To quote the GAO:

Until the failure review investigation is completed, mitigations are developed and proven in ground testing and then confirmed through flight testing, funding for GMD is premature.

I wholeheartedly agree with the GAO, and I reserve the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. Mr. Chairman, at this point, I yield 2 minutes to the chairman of the Subcommittee of Strategic Forces, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. This is the first in a number of amendments that are going to come from the other side of the aisle which are targeted at weakening our national missile defense system.

This is at a time that we see rising and increased threats from both Iran and North Korea. We have Secretary Gates having said that North Korea's programs are becoming an absolute threat to the mainland United States.

It also comes, coincidentally, at a time when our President has had what is known as the ''open mic incident'' when he was in South Korea and was speaking with President Medvedev of Russia and indicated that he was hopeful for a time when he could get past this next election so that he could have greater flexibility on missile defense.

This secret deal that the President has with the Russians to weaken our missile defense is consistent with the amendments we are going to be seeing from the other side of the aisle. We know the deal is secret because, after the President returned back to the United States, we asked him to tell us what is this increased flexibility and what is his intention in weakening our missile defense system. He won't tell us. So it remains a secret, but it is consistent with the amendments we are seeing on the other side of the aisle to weaken our national defense.

This amendment, disturbingly, tries to cut our Ground-based Midcourse Defense system, which currently is the only system that actually protects the mainland United States. It is part of the public portion of the President's plan that this be sustained. Again, we don't know what his secret deal is, but this system actually includes the CE–I interceptor, which is three for three in its successful intercepts. We know this is a system that works, and we know this is a system that's important.

We also know, if people on this floor are serious about trying to reduce the deficit, perhaps they should support the Ryan budget.

Mr. POLIS. Mr. Chairman, a missile defense system that doesn't defend against missiles is no defense at all.

With that, I yield 1 minute to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. I am going to have to be quick because, first of all, I want to address the issue about the so-called ''open mic incident.''

I do thank Mr. TURNER for accurately describing what happened, but he is wrong on one thing, which is that the President did, in fact, respond as to what he meant. He sent a letter to Mr. TURNER on April 13, explaining what he meant.

Mr. TURNER of Ohio. Will the gentleman yield?

Mr. SMITH of Washington. I don't have any time. I'm sorry. I don't have any time. I can't yield.

Mr. TURNER of Ohio. Would you read the letter.

The Acting CHAIR. The gentleman from Washington controls the time.

Mr. SMITH of Washington. I read the letter.

The Acting CHAIR. The gentleman from Washington controls the time.

Mr. SMITH of Washington. What it says is basically what is obvious to everybody, which is that the President has a different opinion. The President believes that Russia can be a partner to reduce the missile threat and that he can possibly work with them to develop missile defense systems that they don't feel threatened by. It's no big secret. It's what the President has said.

Generally, the other side doesn't want to have anything to do with Russia—okay, fine—but they are a factor. The President wants to figure out some way in which we can work with someone who is no longer our enemy to reduce this threat. There is no great mystery here. That's what he is talking about.

I want to support Mr. POLIS' amendment as well and say that the problem is that we are going to need the ground-based missile system. It's funded in the President's budget to a certain amount of money, but because it has been missing so often, there was a limited amount of money that you can spend testing this. It's not ready. They're spending money testing it. They just don't need this additional money.

The Acting CHAIR. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 15 seconds.

Mr. SMITH of Washington. So we're not saying that we don't need missile defense. We're spending money on it. We're spending a lot of money on it, and we're going to develop that.

Then the point on Russia is very simple and straightforward in that the President would like to negotiate an understanding with Russia so that we are not in conflict with one another. There are many who don't want us to have that conversation, and I believe Mr. TURNER is in that camp. The President would like to have that conversation. That's all he meant, and he explained it in this letter.

Mr. THORNBERRY. Mr. Chairman, I yield 1½ minutes to a member of the committee, the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. I thank the gentleman.

It can't be emphasized too often that our Ground-based Midcourse Defense is the only tested system that we have that defends the homeland of the United States against the most dangerous and powerful weapons mankind has ever known. I just somehow have a hard time cognitively grasping why a nuclear missile landing on our homeland doesn't alarm people a little bit more than it seems to.

Assuming the SM–3 Block 2B missile is able to provide protection for the homeland in that year—an assumption the GAO calls into question in fairly alarmed terms—this system will be the only system that we have that will be able to protect the homeland until at least 2020.

Mr. Chairman, we make a desperate mistake—for whatever the reason is, whether it's a secret deal with the Russians or whatever it is—in reducing the only system that protects the United States of America. It is folly.

Mr. POLIS. I would like to inquire as to how much time remains on both sides.

The Acting CHAIR. The gentleman from Colorado has 1¾ minutes remaining. The gentleman from Texas has 2½ minutes remaining.

Mr. POLIS. What the gentleman from Arizona failed to acknowledge is that the system simply doesn't work—missing its target more than half the time. You can't solve a problem by throwing more government money after it as the gentleman from Arizona is advocating.

I would like to yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Everyone here is alarmed, Mr. Chairman, about the possibility of a nuclear attack on the

United States. We also should be alarmed about sticking to the facts in the debate.

The fact is we are talking about a weapons system here that failed two tests in 2010 and that hasn't passed a test since 2008. The fact is that, in the meantime, we have a robust, successful, tested regional system that can protect the homeland, the country, and the fact is that the general who runs this program said:

In the program right now, we are addressing and are prepared to come back to flight testing, but we've had two failures, and no matter what budget we're dedicating, we have to get over those flight test failures.

Fix it first. Fund it later. Support the Polis amendment.

Mr. THORNBERRY. Mr. Chairman, I yield 1½ minutes to a distinguished member of the committee, the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. I thank the gentleman from Texas.

I do have the honor of representing Colorado Springs in my congressional district, which has the Missile Defense Agency and some of these other important assets for our Nation's defense, and I totally oppose this amendment of my colleague's from northern Colorado.

We do have ground-based interceptors on the west coast. We have ground-based interceptors in Alaska. We need them also on the east coast. We need to start planning for that. The money that would be slashed by this amendment would go to starting the planning process, and it doesn't happen overnight. It's a multiyear process. We need to start the planning now so we can defend the heavy population centers on the east coast from intercontinental ballistic missile threats. There are rogue nations in this world that mean us harm. There is the possibility of an accidental launch by a number of countries. We have to have that type of defense. The Institute for Defense Analyses did a study that Congress called for. It said we need an east coast site. Should this amendment pass, that money will not be there to begin that process.

Unfortunately, Barack Obama has been slashing missile defense for 3 years now. This bad amendment would continue that same trend. The CE–I interceptor has worked three out of three times. That's a 100 percent record.

I also disagree with the gentleman from New Jersey, who just spoke, who said fix it first and then fund it. It's the other way around. You fund it so you can fix it.

They have it backwards, I'm afraid. A vote for this amendment is really nothing more than a vote against a strong missile defense for the United States. I urge a ''no'' vote.

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Mr. POLIS. In closing, I was encouraged to hear my colleague from Colorado say: ''You fund it so you can fix it.'' I hope that quotation can also be used with regard to education and health care in this country, to ensure that everybody has access to a good education and the opportunities it can provide.

My amendment is a small step towards a sane defense budget. It would make a modest cut to a failed program that you simply cannot—by the military's own recognition—expect to fix by continuing to throw good money after bad.

I would urge the House to listen to the experts, listen to our military leaders, listen to independent auditors who are telling us not to throw good money after bad. Let's get the defense budget on the right track by spending money on our servicemembers and our programs that are proven to protect our country successfully. Let's not spend additional money on a missile defense system that simply doesn't work. It should be targeted for savings in this bill. It should be fixed. At that time, we can reconsider additional funding of this program. But there is ample funding with these reductions.

I urge my colleagues to vote ''yes'' on the Polis amendment, and I yield back the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I yield the remaining time to the gentleman from Ohio (Mr. TURNER).

The Acting CHAIR. The gentleman is recognized for 1 minute.

Mr. TURNER of Ohio. I want to encourage everyone to oppose this amendment which, again, is the first of a series of amendments on the other side of the aisle to weaken our National Missile Defense System. This is the only deployed system that we have that protects the mainland of the United States, and it is consistent with the President's secret deal.

The President has never answered our request as to what are the terms of his secret deal with the Russians where the President in a meeting with Medvedev said: ''I have greater flexibility after I get past the election.'' Imagine the audacity of saying that when he's no longer subject to the electorate, that he's going to disclose a new missile defense deal or arrangement with the Russians. In fact, Putin himself acknowledges the agreement in a March 2, 2012, interview with a Russian newspaper. He indicates that ''they made us a proposal just during the talks. They told us we would offer you this, we would offer you that, and they asked him to put it down on paper.''

There are ongoing negotiations between this administration and the Russians. The President got caught in an open mic. There is a secret deal with the Russians that the President needs to answer to. This amendment would weaken our national defense and our missile defense system, as would the President's secret deal with the Russians. Vote ''no'' on this amendment.

Mr. THORNBERRY. I yield back the balance of my time.

Mr. BROOKS. Mr. Chair, I oppose Representative POLIS's amendment to cut Ground-Based Midcourse Defense (GMD) by $403 Million.

Russia's most senior military leader recently threatened to pre-emptively attack U.S.-led NATO missile defense sites in Europe should America not kowtow to Russian demands.

In light of these threats, and others from North Korea and Iran, a strong missile defense system is vital to the safety and security of America and American troops deployed overseas.

And GMD works. For example, the CE1 interceptor, used by GMD, is three for three in successful testing.

Hence, GMD is critical to America's national security. GMD must be adequately funded.

I urge rejection of the Polis Amendment that puts American cities and American lives at risk.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POLIS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Chairman, pursuant to H. Res. 661, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 2 consisting of amendment Nos. 33, 36, 65, 66, 75, 85, 89, 93, 98, 100, 104, 124, 127, and 128, printed in House Report No. 112–485, offered by Mr. MCKEON of California:

AMENDMENT NO. 33 OFFERED BY MR. FLAKE OF ARIZONA

At the end of subtitle F of title X, add the following new section:

SEC. 1069. REPORT ON COMMUNICATIONS FROM CONGRESS ON STATUS OF MILITARY CONSTRUCTION PROJECTS .

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report describing any letters from Congress (including a committee of the Senate or the House of Representatives, a member of Congress, an officer of Congress, or a congressional staff member) received by the Department of Defense that refers to or requests information on the status of a military construction project on the future-years defense program.

(b) DEADLINE.—The report required by subsection (a) shall be submitted not later than one year after the date of the enactment of this Act.

AMENDMENT NO. 36 OFFERED BY MR. GRIMM OF NEW YORK

At the end of subtitle H of title X, add the following new section:

SEC. 1084. INCREASE IN AUTHORIZED NUMBER OF WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

(a) IN GENERAL.—Section 1403(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2676; 10 U.S.C. 12310 note) is amended—

(1) in paragraph (1), by striking ''23'' and inserting ''a minimum of 25''; and

(2) by striking ''55 teams'' each place it appears and inserting ''57 teams''.

(b) FUNDING.—

(1) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for operation and maintenance, Army, as specified in the corresponding funding table in section 4301, for Line 070, Force Readiness Operations Support is hereby increased by $5,000,000.

(2) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Defense-wide, as specified in the corresponding funding table in division D, is hereby reduced by $5,000,000, to be derived from Line 036, Program Element 0603384BP, Chemical and Biological Defense Program.

AMENDMENT NO. 65 OFFERED BY MS. BORDALLO OF GUAM

At the end of subtitle D of title III, add the following new section:

SEC. 3___. CODIFICATION OF NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) STATE PARTNERSHIP PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

''§ 116. State Partnership Program

''(a) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense, including for the Air and Army National Guard, shall be available for the payment of costs to conduct activities under the State Partnership Program, whether inside the United States or outside the United States, for purposes as follows:

''(A) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

''(B) To support the objectives of the United States chief of mission of the partner nation with which contacts and activities are conducted.

''(C) To build international partnerships and defense and security capacity.

''(D) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments to support building of defense and security capacity.

''(E) To facilitate intergovernmental collaboration between the United States Government and foreign governments in the areas of defense and security.

''(F) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

''(2) Costs under paragraph (1) may include costs as follows:

''(A) Costs of pay and allowances of members of the National Guard.

''(B) Travel and necessary expenses of United States personnel outside of the Department of Defense in the State Partnership Program.

''(C) Travel and necessary expenses of foreign participants directly supporting activities under the State Partnership Program.

''(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

''(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

''(3) Funds shall not be available under subsection (a) for interagency activities involving United States civilian personnel or foreign civilian personnel unless the participation of such personnel in such activities—

''(A) contributes to responsible management of defense resources;

''(B) fosters greater respect for and understanding of the principle of civilian control of the military;

''(C) contributes to cooperation between United States military and civilian governmental agencies and foreign military and civilian government agencies; or

''(D) improves international partnerships and capacity on matters relating to defense and security.

''(c) REIMBURSEMENT.—In the event of the participation of United States Government participants (other than personnel of the Department of Defense) in activities for which payment is made under subsection (a), the head of the department or agency concerned shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

''(d) DEFINITIONS.—In this section:

''(1) The term 'State Partnership Program' means a program that establishes a defense and security relationship between the National Guard of a State or territory and the military and security forces, and related disaster management, emergency response, and security ministries, of a foreign country.

''(2) The term 'activities', for purposes of the State Partnership Program, means any military-to-military activities or interagency activities for a purpose set forth in subsection (a)(1).

''(3) The term 'interagency activities' means the following:

''(A) Contacts between members of the National Guard and foreign civilian personnel outside the ministry of defense of the foreign country concerned on matters within the core competencies of the National Guard.

''(B) Contacts between United States civilian personnel and members of the Armed Forces of a foreign country on matters within such core competencies.

''(4) The term 'matter within the core competencies of the National Guard' means matters with respect to the following:

''(A) Disaster response and mitigation.

''(B) Defense support to civil authorities.

''(C) Consequence management and installation protection.

''(D) Response to a chemical, biological, radiological, nuclear, or explosives (CBRNE) event.

''(E) Border and port security and cooperation with civilian law enforcement.

''(F) Search and rescue.

''(G) Medicine.

''(H) Counterdrug and counternarcotics activities.

''(I) Public affairs.

''(J) Employer support and family support for reserve forces.

''(5) The term 'United States civilian personnel' means the following:

''(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

''(B) Members and employees of the legislative branch of the United States Government.

''(C) Non-governmental individuals.

''(6) The term 'foreign civilian personnel' means the following:

''(A) Civilian personnel of a foreign government at any level (including personnel of ministries other than ministries of defense).

''(B) Non-governmental individuals of a foreign country.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by adding at the end the following new item:

''116. State Partnership Program.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—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) is repealed.

AMENDMENT NO. 66 OFFERED BY MR. ALTMIRE OF PENNSYLVANIA

At the end of subtitle E of title III, add the following new section:

SEC. 347. REPORT ON PROVIDING TELECOMMUNICATIONS SERVICES TO UNIFORMED PERSONNEL TRANSITING THROUGH FOREIGN AIRPORTS.

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of providing market-rate or below-market rate (or both) telecommunications service (either phone, VoIP, video chat, or a combination thereof), either directly or through a contract, to uniformed military personnel transiting through a foreign airport while in transit to or returning from deployment overseas. The Secretary also shall investigate allegations of certain telecom companies specifically targeting uniformed military personnel in transit overseas (who have no other option to contact their families) with above-market-rate fees, and shall include the results of that investigation in the report.

(b) SUBMISSION.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

AMENDMENT NO. 75 OFFERED BY MR. WELCH OF VERMONT

At the end of subtitle D of title V, add the following new section:

SEC. 5___. COORDINATION BETWEEN YELLOW RIBBON REINTEGRATION PROGRAM AND SMALL BUSINESS DEVELOPMENT CENTERS.

The Office for Reintegration Programs shall assist each State to coordinate services under the Yellow Ribbon Reintegration Program under section 582 of the National Defense Authorization Act of 2008 (10 U.S.C. 10101 note) with Small Business Development Centers (as defined in section 3(t) of the Small Business Act) in each State.

AMENDMENT NO. 85 OFFERED BY MR. BOSWELL OF IOWA

At the end of subtitle I of title V of division A, add the following new section:

SEC. 5___. REPORT ON EFFECTS OF MULTIPLE DEPLOYMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the effects of multiple deployments on the well-being of military personnel and any recommended changes to health evaluations prior to redeployments.

AMENDMENT NO. 89 OFFERED BY MR. BOSWELL OF IOWA

At the end of subtitle C of title VII, add the following new section:

SEC. 725. STUDY ON BREAST CANCER AMONG MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) STUDY.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a study on the incidence of breast

cancer among members of the Armed Forces (including members of the National Guard and reserve components) and veterans. Such study shall include the following:

(1) A determination of the number of members and veterans diagnosed with breast cancer.

(2) A determination of demographic information regarding such members and veterans, including—

(A) race;

(B) ethnicity;

(C) sex;

(D) age;

(E) possible exposure to hazardous elements or chemical or biological agents (including any vaccines) and where such exposure occurred;

(F) the locations of duty stations that such member or veteran was assigned;

(G) the locations in which such member or veteran was deployed; and

(H) the geographic area of residence prior to deployment.

(3) An analysis of breast cancer treatments received by such members and veterans.

(4) Other information the Secretaries consider necessary.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report containing the results of the study required under subsection (a).

(c) FUNDING INCREASE AND OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 1406 for the Defense Health Program, as specified in the corresponding funding table in division D, is hereby increased by $10,000,000, with the amount of the increase allocated to the Defense Health Program, as set forth in the table under section 4501, to carry out this section; and

(2) the amount authorized to be appropriated in section 101 for Weapons Procurement, Navy, as specified in the corresponding funding table in section 4101 of division D, is hereby reduced by a total $10,000,000, with the amount of the reduction to be derived from—

(A) Line 004 (AMRAAM) in the amount of $2,700,000;

(B) Line 006 (JSOW) in the amount of $2,700,000; and

(C) Line 009 (Hellfire) in the amount of $4,600,000.

AMENDMENT NO. 93 OFFERED BY MS. DELAURO OF CONNECTICUT

At the end of subtitle A of title VIII, add the following new section:

SEC. 802. REQUIREMENTS RELATING TO CONTRACTS FOR PURCHASE OF HELICOPTERS FOR AFGHAN SECURITY FORCES.

(a) REQUIREMENT FOR COMPETITIVELY BID CONTRACTS.—Subject to subsection (b), the Secretary of Defense shall award any contract that will use United States funds for the procurement of helicopters for the Afghan Security Forces using competitive procedures.

(b) PROHIBITION ON CONTRACTING WITH CERTAIN ENTITIES.—Notwithstanding subsection (a), the Secretary of Defense may not award a contract, directly or indirectly, to any entity controlled, directed, or influenced by—

(1) a country that has provided weapons to Syria at any time after the date of the enactment of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108–175); or

(2) any country that is currently a state sponsor of terrorism.

(c) STATE SPONSOR OF TERRORISM DEFINED.—In subsection (b), 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, section 620A of the Foreign Assistance Act of 1961, or section 40 of the Arms Export Control Act.

(d) EFFECTIVE DATE.—The requirement in subsection (a) shall apply to contracts awarded after the date of the enactment of this Act.

(e) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the applicability of this section if the Secretary determines such a waiver is necessary in the national security interests of the United States.

AMENDMENT NO. 98 OFFERED BY MR. WELCH OF VERMONT

Page 313, after line 20, insert the following:

SEC. 833. ENERGY SAVINGS PERFORMANCE CONTRACT REPORT.

Not later than June 30, 2013, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall each submit to the congressional defense committees a report on the use of energy savings performance contracts by the Department of the Army, the Department of the Navy, and the Department of the Air Force, respectively, including each of the following:

(1) The amount of appropriated funds that have been obligated or expended and that are expected to be obligated or expended for energy savings performance contracts.

(2) The amount of such funds that have been used for comprehensive retrofits.

(3) The amount of such funds that have been used to leverage private sector capital, including the amount of such capital.

AMENDMENT NO. 100 OFFERED BY MR. HOLT OF NEW JERSEY

At the end of title IX, add the following new section:

SEC. ___. NATIONAL LANGUAGE SERVICE CORPS.

(a) CHARTER FOR NATIONAL LANGUAGE SERVICE CORPS.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

''SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.

''(a) ESTABLISHMENT.—

''(1) The Secretary of Defense shall establish and maintain within the Department of Defense a National Language Service Corps (in this section referred to as the 'Corps').

''(2) The purpose of the Corps is to provide a pool of personnel with foreign language skills who, as provided in regulations prescribed under this section, agree to provide foreign language services to the Department of Defense or another department or agency of the United States.

''(b) NATIONAL SECURITY EDUCATION BOARD.—The Secretary shall provide for the National Security Education Board to oversee and coordinate the activities of the Corps to such extent and in such manner as determined by the Secretary under paragraph (9) of section 803(d).

''(c) MEMBERSHIP.—To be eligible for membership in the Corps, a person must be a citizen of the United States authorized by law to be employed in the United States, have attained the age of 18 years, and possess such foreign language skills as the Secretary considers appropriate for membership in the Corps. Members of the Corps may include employees of the Federal Government and of State and local governments.

''(d) TRAINING.—The Secretary may provide members of the Corps such training as the Secretary prescribes for purposes of this section.

''(e) SERVICE.—Upon a determination that it is in the national interests of the United States, the Secretary shall call upon members of the Corps to provide foreign language services to the Department of Defense or another department or agency of the United States.

''(f) FUNDING.—The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps. Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps. Amounts so credited to such account shall be merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended.

''(g) USERRA APPLICABILITY.—For purposes of the applicability of chapter 43 of title 38, United States Code, to a member of the Corps—

''(1) a period of active service in the Corps shall be deemed to be service in the uniformed services; and

''(2) the Corps shall be deemed to be a uniformed service.''.

(b) NATIONAL SECURITY EDUCATION BOARD MATTERS.—

(1) COMPOSITION.—Subsection (b) of section 803 of such Act (50 U.S.C. 1903) is amended—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(C) by inserting after paragraph (4) the following new paragraphs:

''(5) The Secretary of Homeland Security.

''(6) The Secretary of Energy.

''(7) The Director of National Intelligence.''.

(2) FUNCTIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(9) To the extent provided by the Secretary of Defense, oversee and coordinate the activities of the National Language Service Corps under section 813, including—

''(A) identifying and assessing on a periodic basis the needs of the departments and agencies of the Federal Government for personnel with skills in various foreign languages;

''(B) establishing plans to address foreign language shortfalls and requirements of the departments and agencies of the Federal Government;

''(C) recommending effective ways to increase public awareness of the need for foreign languages skills and career paths in the Federal government that use those skills;

''(D) coordinating activities with Executive agencies and State and Local governments to develop interagency plans and agreements to address overall foreign language shortfalls and to utilize personnel to address the various types of crises that warrant foreign language skills; and

''(E) proposing to the Secretary regulations to carry out section 813.''.

AMENDMENT NO. 104 OFFERED BY MR. HOLT OF NEW JERSEY

At the end of subtitle F of title X insert the following new section:

SEC. 1069. FEDERAL MORTUARY AFFAIRS ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is established a Federal Mortuary Affairs Advisory Commission.

(b) PURPOSE.—The purpose of the Commission shall be to advise the President, the Secretary of Defense, the Secretary of Veterans Affairs, and Congress on the best practices for casualty notification, family support, and mortuary affairs operations so as to ensure prompt notification and compassionate and responsive support for families

who have lost servicemembers, and for the honorable and dignified disposition of the remains of fallen servicemembers.

(c) SCOPE.—Within the Department of Defense and the Department of Veterans Affairs, the Commission shall examine, on an ongoing basis, all matters that encompass the notification of family members on the death of a servicemember in said family; all family support programs, policies, and procedures designed to assist affected families; and all aspects of mortuary affairs operations, including the final disposition of fallen servicemembers.

(d) COMPOSITION.—

(1) MEMBERS.—The Commission shall consist of 13 members, appointed as follows:

(A) One member appointed by the President of the United States.

(B) One member appointed by the Speaker of the House of Representatives.

(C) One member appointed by the Minority Leader of the House of Representatives.

(D) One member appointed by the Majority Leader of the Senate.

(E) One member appointed by the Minority Leader of the Senate.

(F) One member appointed by the Chairman of the House Committee on Veterans Affairs.

(G) One member appointed by the Ranking Member of the House Committee on Veterans Affairs.

(H) One member appointed by the Chairman of the House Committee on Armed Services.

(I) One member appointed by the Ranking Member of the House Committee on Armed Services.

(J) One member appointed by the Chairman of the Senate Committee on Veterans Affairs.

(K) One member appointed by the Ranking Member of the Senate Committee on Veterans Affairs.

(L) One member appointed by the Chairman of the Senate Committee on Armed Services.

(M) One member appointed by the Chairman of the Senate Committee on Armed Services.

(2) TERM.—Each member shall serve a term of three years.

(3) MEETINGS AND QUORUM.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Seven members of the Commission shall constitute a quorum.

(4) CHAIRMAN AND VICE CHAIRMAN.—Upon convening for its first meeting, the Commission members shall elect by majority vote a chairman and vice chairman of the Commission.

(5) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) QUALIFICATIONS.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government.

(3) OTHER QUALIFICATIONS.—At least four individuals appointed to the Commission should include family members who have direct experience dealing with the loss of a servicemember that involved interactions with the Dover Port Mortuary. At least three individuals should have extensive private or public sector experience in mortuary science, operations, procedures, and decorum.

(f) DURATION.—The Commission shall have a 5 year duration, beginning after the last member of the Commission is appointed

(g) MEETINGS AND REPORTS.—The Commission shall hold regular public meetings, notification of which shall appear in the Federal Register and on the Commission's website. Not less than annually, the Commission shall provide a written report to the President, the Secretary of Defense, the Secretary of Veterans Affairs, and Congress on—

(1) recommendations for improving casualty notification, family support, and remains disposition; and

(2) progress, or lack thereof, by the Department of Defense and the Department of Veterans Affairs in acting upon prior recommendations of the Commission. Said report shall also be posted on the Commission's website for public inspection.

(h) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, Commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, Commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommission created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(i) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(j) STAFF OF COMMISSION.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in consultation with vice chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(3) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(k) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

In the table of contents in section 2(b), insert after the item relating to section 1068 the following new item:

Sec. 1069. Federal mortuary affairs advisory commission.

AMENDMENT NO. 124 OFFERED BY MR. WELCH OF VERMONT

At the end of subtitle D of title XII of division A of the bill, add the following:

SEC. 12xx. REQUIREMENT TO SUBMIT TO CONGRESS A PLAN FOR A FOREIGN INFRASTRUCTURE PROJECT USING FUNDS MADE AVAILABLE FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) PLAN REQUIRED.—Not later than 60 days prior to the commencement of a covered infrastructure project, the head of the Federal department or agency with primary responsibility for carrying out the project shall submit to Congress a plan to carry out and sustain the project.

(b) MATTERS TO BE INCLUDED.—The plan shall include a description of the following:

(1) The total amount of funds to be obligated and expended under the project, including the total amount of funds to be contributed from other sources.

(2) How the project will be maintained after its completion, who will be responsible for maintaining the project, and who will contribute funds for maintaining the project.

(3) How the project will be protected after its completion.

(c) COVERED INFRASTRUCTURE PROJECT.—In this section, the term ''covered infrastructure project'' or ''project'' means a project to improve the infrastructure of a foreign country under which the United States contributes not less than $1,000,000 from funds made available for overseas contingency operations.

(d) EFFECTIVE DATE.—This section takes effect on the date of the enactment of this Act and applies with respect covered infrastructure projects commenced on or after 60 days after such date of enactment.

AMENDMENT NO. 127 OFFERED BY MR. FLAKE OF ARIZONA

At the end of subtitle B of title XV, add the following new section:

SEC. 1523. LIMITATION ON USE OF FUNDS IN OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND.

Amounts appropriated to the Overseas Contingency Operations Transfer Fund pursuant to the authorizations of appropriations

contained in this title and available for use or transfer to cover expenses directly relating to overseas contingency operations by the United States Armed Forces may be used only for an item or activity specified in the overseas contingency operations portion of the budget submitted to Congress by the President under section 1105 of title 31, United States Code, for fiscal year 2013.

AMENDMENT NO. 128 OFFERED BY MR. HUNTER OF CALIFORNIA

In section 1531, relating to the Joint Improvised Explosive Device Defeat Fund, add at the end the following new subsection:

(c) ADDITIONAL AUTHORIZED USE OF FUNDS IN JIEDDF.—Funds in the Joint Improvised Explosive Device Defeat Fund shall be available, with the concurrence of the Secretary of State, for the purpose of monitoring, disrupting, and interdicting the movement of explosive device precursors from a country that borders Afghanistan to a location within Afghanistan. For a country in which the actions and activities described in the preceding sentence are carried out, such funds may, with the concurrence of the Secretary of State, also be used to train and equip the security forces of that country that support missions to monitor, disrupt, and interdict the movement of explosive device precursors into Afghanistan.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from California (Mr. MCKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chairman, at this time I yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND) for the purpose of a colloquy.

Mr. WESTMORELAND. Mr. Chair, I rise to commend the Armed Services Committee on their good work in a number of areas in the National Defense Authorization Act for Fiscal Year 2013, but I have a concern with the report language from section 815 that I would like to bring to the chairman of the committee's attention.

I certainly approve of utilizing competition to both improve contract performance and cost effectiveness of weapons systems. However, I want to bring to attention the fact that the C–17 and its F117 engines have been a model of modern sustainment. Today, time-on-wing for F117 engines has doubled since the start of this sustainment program while making multiple design and hardware upgrades.

Today, the F117 engines are sustained through an award-winning performance based on logistics contracts that minimize life-cycle costs with fixed fees based on flight cycles. This contract type requires comprehensive understanding and investment by the service provider, along with the engineering design expertise to develop and implement improvements in response to the actual mission.

I support the use of every practical means of providing for the efficient defense of this country in the protection of our warfighters. That includes the appropriate use of competition and any other contracting method that incentivizes positive outcomes for cost effectiveness and performance. In fact, the Air Force has taken steps to ensure these outcomes are achieved on the C–17 sustainment contract. As we push the Air Force and other services to extend the practices further, we must always keep reliability and readiness of the weapons system in mind.

I look forward to working with the chairman to address these issues in conference, and I yield to the gentleman from California.

Mr. MCKEON. I thank the gentleman from Georgia for his remarks and his strong support for the readiness of our Armed Forces. There's no doubt that our C–17 fleet is doing a remarkable job around the globe, and I assure the gentleman that this committee strongly shares in your desire to ensure that the C–17 continues to perform magnificently for many years to come.

Mr. SMITH of Washington. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. BOSWELL).

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

Mr. BOSWELL. Mr. Chairman, I rise in support of the en bloc for a couple of reasons I think are very important to all of us. As we know, the amendment that I'm concerned with and talking about has to do with the issue of multiple deployments and to add to the Armed Forces Breast Cancer Research Act of 2012 to the underlying legislation.

Amendment No. 85 requires the Secretary of Defense to submit a report on the effects that multiple deployments have on the well-being of our military personnel. I, along with some of you, have some appreciation for multiple deployments. We used to call them tours, but we understand that the deployments and the impact on our troops in uniform and our families is severe. We need to know more about it.

The other is I had a former staffer that went to a 5-year reunion, a female staffer. She's an Iraq war veteran, and she returned to tell me that six of the 70 women in her battalion, ages 25 to 35, had been diagnosed with breast cancer and others had noncancerous masses. This startled me, as did a study that indicates breast cancer is more prevalent in military women than civilian.

The women are not the only ones that need this study. At last count, at least 78 men who served at Camp Lejeune between 1950 and 1985 have been diagnosed with breast cancer. These marines and their families deserve more information. Last Congress, the Iraq and Afghanistan Veterans of America and the VFW supported conducting this study.

More troops are returning from duty only to face a new battle—breast cancer. So I urge my colleagues to get them answers. Support this en bloc amendment and the other good features of it.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding, and I thank him for including in this en bloc amendment an amendment that I and the gentleman from South Carolina (Mr. MULVANEY) offered to ensure that we budget honestly.

We have something called the Overseas Contingency Operations Account, or OCO, and this we fear is sometimes used to put in items that we don't want to become part of the budget, that are above the budget, or outside of the budget. This amendment will ensure that those items in this account are war related and not simply items to get around budget constraints in the budget that we've established for defense.

I thank the gentleman for putting this in. This is an important amendment. We've got to ensure that we budget honestly, and then make sure in the future we know what our budget is, and we know what accounts are doing. This is a good step in that direction.

□ 2700

Mr. SMITH of Washington. Mr. Chairman, I yield myself 3 minutes.

I wanted to take this moment while we have a little extra time on this one to talk about Afghanistan and to express our opinions since we weren't able to get our amendment ruled in order.

It's important for all the Members on the floor to understand that the base bill has language on Afghanistan, and the base bill calls for us keeping 68,000 troops in Afghanistan until the end of 2014 and then makes unspecified requests to make sure that we have sufficient troops to accomplish a series of missions after 2014. It very aggressively calls for a large troop presence in Afghanistan for an extended period of time.

I, and many Members on this side of the aisle as well as some on the other, oppose that. We do not think that keeping that many troops in Afghanistan for that long is in the best interest of our national security or our country, and the bulk of the country agrees with us on that. Unfortunately, we weren't offered the opportunity to offer our amendment that offers what I think is a better approach.

I am also going to reluctantly oppose Representative LEE's amendment, the only alternative we were given, which is to pull us out as fast as we safely and responsibly can. Representative LEE's amendment does not allow us to maintain any sort of counterterrorism mission, which I do think is critically important. The amendment we wanted to offer was to put us on a more aggressive, quicker drawdown pace to speed up the transition to the Afghan forces for security while enabling us, with a relatively small number of troops, to maintain that counterterrorism issue.

We have trained over 350 Afghan national security forces. They have taken over responsibility for an increasing number of provinces and districts

throughout the country and for an increasing number of security responsibilities. It is time to make that transition.

My objection to the base bill is it doesn't give us the opportunity to make that transition because it mistakenly believes that the key to Afghan stability is keeping as many U.S. troops in Afghanistan for as long as possible. Having that large of a foreign military force—as we have seen, there's been a huge increase in attacks by Afghan forces on U.S. forces. We had the Koran burning incident. We had the horrible incident of a soldier going off and allegedly killing 16 or 17 civilians in Afghanistan.

Our presence at this point, in and of itself, is destabilizing. And what we want is a responsible drawdown of that force. We don't want to do it hastily in a way that jeopardizes the mission or jeopardizes Afghanistan. That was the purpose of the amendment that I, along with Congressman MCGOVERN and others, authored. And it is unfortunate that for reasons I cannot understand, the majority refused to allow us the opportunity to debate that.

Now, as I said earlier, I speculated that part of the reason is because they know that the American people agree with us. It's a debate they don't want to have and a vote they don't want to take. And I respect that. A number of my colleagues have joked with me over the years, The toughest part of this job is voting; that's when people actually see where you stand.

The Acting CHAIR (Mr. HASTINGS of Washington). The time of the gentleman has expired.

Mr. SMITH of Washington. I yield myself an additional 1 minute.

There have been many times where I wished I didn't have to do that, but it comes with the job and particularly on something as important as Afghanistan.

I don't think anyone would dispute that the most important thing about this bill, the Armed Services Committee bill, this year is what's going on in Afghanistan. The single most important issue, and we're denied the opportunity to have a vote on what I think is a much better plan, rather, leaving in place in the base bill a call for having 68,000 troops in Afghanistan until the end of 2014.

It is very simple: the majority is in favor of a larger troop presence for a longer period of time. We are in favor of a smaller troop presence for a shorter period of time. I believe it's the better policy. I regret that we will not have the opportunity to vote on it; but as we go into conference, I will strenuously argue this point. It is a major flaw, I believe, in an otherwise very strong bill.

With that, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

I'm not as good as my friend in characterizing or talking about something, so I would just like to read from the bill what it actually says:

> The United States military should not maintain an indefinite combat mission and should transition to a counterterrorism and advise and assist mission at the earliest practicable date, consistent with conditions on the ground. In order to reduce this uncertainty and to promote further stability and security in Afghanistan, the President should fully consider the international security assistance force commander's assessment regarding the need for the United States to maintain a significant combat presence through 2013. And finally, maintain a force of at least 68,000 troops through December 31, 2014, unless fewer forces can achieve the United States objective.

This is the policy that has been established by the Commander in Chief in consultation with the generals and the field commanders. Now, I met with General Allen, the commander in Afghanistan, about a month ago. I asked him how many troops he needed, and he said he was in the process of evaluating. He didn't have a number yet. When he got that number, he would send it back through the chain of command to the Commander in Chief.

At that time, if he finds after his assessment that he may be able to withdraw troops sooner or may be able to accomplish his mission with less than 68,000, I would imagine the Commander in Chief will want to change his policy. And this allows for that because if the Commander in Chief, in consultation with the commander in the field, says that we can do it with fewer forces to achieve the objective, that's exactly what the bill says.

I reserve the balance of my time.

Mr. SMITH of Washington. I would just say that no part of the President's plan calls for having at least 68,000 troops through December 31, 2014. If you had struck that out of the bill, that would change things. But having that number in there makes an enormous difference.

And with that, I yield 1 minute to the gentlelady from Connecticut (Ms. DELAURO).

Ms. DELAURO. I rise in support of this amendment. It includes my amendment, prohibiting the Defense Department from purchasing helicopters, directly or indirectly, for the Afghan security forces from any entity controlled, directed, or influenced by Russia, any other state that provides weapons to Syria, or other state sponsors of terrorism. It also requires that any such future contract be competitively bid.

The U.N. estimates more than 9,000 people in Syria have been killed by the Assad regime since violence began there. And the Russian state arms dealer Rosoboronexport continues to provide that regime with the means to perpetrate widespread and systematic attacks on its civilians, including signing a deal with Damascus in January to supply Syria with 36 combat jets.

Incredibly, the Defense Department is purchasing 21 Mi-17 helicopters for the Afghan security forces through a no-bid contract with that Russian company, even though it supplies arms to Syria and it was, for years, on the U.S. sanctions list for providing illegal nuclear assistance to Iran.

If U.S. taxpayer dollars are going to be spent providing helicopters to the Afghans, those dollars should be spent on American systems that create jobs here at home.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from New York (Mr. GRIMM).

Mr. GRIMM. I thank the chairman.

I rise today in support of my amendment. We know that the DOD faces a difficult challenge in balancing cuts with our national security strategy. However, the proposed elimination of two National Guard WMD civil support teams poses tremendous risk.

These teams are highly trained units that provide rapid support to civil authorities. Of special concern is the proposed elimination of the 24th WMD-CST located in New York City. This team has been instrumental in contingency preparations for high-profile activities like massive sporting and political events to national holidays. They have also responded to numerous crises situations.

My amendment, which I offered with my colleagues Representatives TONKO, BILIRAKIS and CASTOR, simply changes the authorized numbers of teams from 55 to 57, bringing this in line with the current number of active teams.

Making sure New York City, a top terrorist target, has the assets needed should we have another terrorist attack, is vital. I encourage my colleagues to join me in supporting this amendment.

Mr. SMITH of Washington. Mr. Chair, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Chairman, in March, ''NBC News'' ran a story about a soldier who was charged $41 for a three-second voicemail he left his wife from a pay phone in an airplane in Germany.

□ 1820

This is simply outrageous.

For servicemembers in transit to and from deployment, a quick phone call from an airport pay phone is often their only link to loved ones at home. Because public phones in foreign airports may not accept prepaid calling cards, servicemembers have to accept whatever cost the pay phone service charges in that particular airport. It is important that we help provide that crucial link for our servicemembers during this time of transit.

My amendment would direct the DOD to submit a report on the feasibility of providing telecom services to servicemembers in transit to overseas deployment and to investigate allegations of overcharging servicemembers. The brave men and women of our Armed Forces deserve better than $41 3-second call.

I encourage all Members to support my amendment.

Mr. MCKEON. I reserve the balance of my time.

Mr. SMITH of Washington. May I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman has 2¼ minutes remaining.

Mr. SMITH of Washington. I yield the balance of my time to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, this is a bill that illustrates an old saying: Adding insult to injury. The insult is the terms under which we are debating this vast commitment of taxpayer dollars to the most important issue we have—defense.

People will be debating at 11 o'clock tonight, in 5 minutes on a side, very significant issues. We had a few minutes to debate the question of Afghanistan. My colleague, Ms. LEE, and some Republicans will join to try to bring this budget number down to where it should be—$8 billion at least, back to the number of the agreement. And they will have 5 minutes in which to do it. That's outrageous.

Also, it's important to note if this bill goes through, it is a statement that efforts to improve the quality of life at home will be sacrificed to foreign adventures that are ill-fated in many cases.

I read a letter from the chairman of the committee to the Secretary of Defense. He said, Mr. Secretary, if we increase spending here, it won't come out of other national security accounts. Of course not. It will come out of Medicare. It will come out of Medicaid. It will come out of efforts to protect the environment. It will come out of police on our streets.

There is an excess of money here. Afghanistan is a good example. A commitment of 68,000 troops. The gentleman from California complained about what the gentleman from Washington said. It sounded the same to me. They put down 68,000 troops, dictating to the Commander in Chief—or trying to—what it should be.

There is an effort going on in Afghanistan which has gone far beyond what was justified by our national security. There is a commitment to spend more than is necessary on nuclear weapons when the military hasn't asked for them. There are weapons systems here the Pentagon didn't want. And where does it come from? It comes from everything we try to do to improve the quality of life at home.

This is an attack on our ability to provide the funding that America needs for a decent set of conditions here.

No one is opposing adequate national defense. This continues a pattern of overspending. I remember, again, what Rupert Murdoch's Wall Street Journal said, hailing the Republican budget, which this is carrying out. It protects defense so they can cut Medicare and Medicaid and other domestic programs. It's too bad we don't have a decent amount of time to expose the extent to which that is going on.

Mr. MCKEON. How much time do I have remaining?

The Acting CHAIR. The gentleman has 3½ minutes remaining.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

I don't quite know where to start. We have just cut in this budget and in the previous Deficit Reduction Act $487 billion and another $500 billion, $600 billion that kicks in with sequestration next January, so that over the next 10 years we'll be cutting $100 billion dollars a year out of defense at a time when we are fighting a war.

In my lifetime, I have seen this cut back after every war so that we won't be prepared, I guess, for the next one. And what happens when we get in the next conflict, being not prepared and having run our military down, is we end up losing a lot of people. And I do not want to see that happen if there is any possible way that we can overcome it.

I was in a meeting in the Pentagon a couple of months ago when the Secretary was laying out this budget. A senior military officer, one of the highest ranking in our country, was sitting across the table from me, and he looked at me at the end of the meeting, and said, In my 37 years in the military, and doing this, I have never seen a time more serious, more dangerous than right now.

We're facing a possible nuclear weapon in Iran. Much of the terrorism that we see around the world is nurtured and paid for and embraced and sent forth from Iran. We have the problem, we know, in North Korea. We have the problem of China that is decreasing their defense spending and pushing us further back in helping us defend Taiwan and other commitments that we have in the area. We had the Arab Spring that nobody had thought about or planned on. And where is the next hotspot going to be? We do not know. But I guarantee you that when you run down your defenses, that is when somebody will take advantage.

President Reagan said we should have peace through strength. General Eisenhower, President Eisenhower, we hear a lot the quotes about beware of the military industrial complex. He also said our military, our strength, our people in the military, are the ones that keep us safe, and we should be so strong that no one ever should dare attack us for fear of being annihilated. It's when we run down those forces, as we have.

I remember I was at the Reagan Library recently and they showed a video of when President Reagan ran in 1980. You might recall that we had hostages in Iran that had been causing lots of problems for President Carter. And we tried to send the military on a mission, and they couldn't even fly across the desert with the equipment they had at that time. We had a hollowed-out military.

We do not want to go there at this point. Half of the savings that we have taken in deficit reduction have come out of the military. We have done this on the backs of our troops, when they account for less than 19 percent of the overall spending. If we had no discretionary spending, we would be running a deficit of a half-trillion dollars a year. That is no military spending, no education spending, no spending on our parks.

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

Ms. BORDALLO. Mr. Chair, I rise today in opposition of Mr. GALLEGLY'S AMENDMENT #15 to H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013.

The Fish and Wildlife Service and the Navy have a long track record of working together on otter conservation through the Integrated Natural Resources Management Plan. The Navy activities have not lead to the harassment of otters off the coast of California, so the provisions to continue Naval exemptions from the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) should be preserved in H.R. 4043.

This amendment takes the necessary step of extending the Navy's exemption allowing ongoing military operations. However, I do not believe that we should be using our Nation's military readiness as a cover for establishing regulations that only benefits a special interest group. I have serious concerns with the broad exemptions for fishermen included in this amendment. Fishermen working south of Point Conception, California would be given incidental take exemptions from the ESA and MMPA indefinitely. This would remove any ability of the Fish and Wildlife Service or any other agency to address problems that may arise with otter recovery as a result of interaction with fisheries. ESA and MMPA exemptions for specific industries undermine the principles of management based on sound science under these statutes and set a dangerous precedent of Congressional micromanagement for political reasons.

The Navy has agreed to continue the management of the sea otters on these installations, in consultation with the Secretary of the Interior. Mr. Schregardus, Deputy Assistant Secretary for the Navy on Environment, testifying before the Fisheries and Oceans Subcommittee, specified that the further provisions have no relevancy to military readiness operations in the region. None of the witnesses present at the hearing could identify how the management actions specified in subsection (g) had any impact on military readiness. Additionally, we have heard testimony from scientists that indicate the concerns for the ongoing viability of the California shellfish industry do not rest on the shoulders of sea otters. Commercial over-harvest and withering disease are the primary culprits to the decline of endangered abalone species. The presence of sea otters and related improvement to the nearshore kelp forest ecosystems can actually benefit abalone.

Southern sea otters are recovering from the devastating fur trade in the 18th and 19th centuries, which almost eliminated them completely. The nearly 2,800 otters that live in the region today have grown from just over 40 individuals that remained on the California coast in the 1930s.

While the population is growing, the recovery of this species is extremely slow. It is very important that our legislative actions do not reverse past conservation successes that have developed as a result of collaboration between the Navy, the Fish and Wildlife Service and other scientists and stakeholders.

I urge adoption of only the naval provisions in this amendment, which would address the national security needs of the nation without compromising the recovery of the southern sea otter.

Mr. HOLT. Mr. Chair, I want to thank Chairman MCKEON and Ranking Member SMITH for accepting this amendment. When the long-running problems at the Dover Port Mortuary were revealed to the public last year, all of us were appalled and ashamed at how the remains of fallen warriors had been mishandled. It took a number of people, including a constituent of mine who is the widow of a deceased Iraq veteran, as well as several brave whistleblowers—public servants in the truest sense—to bring these problems to light. What we now know is that multiple Air Force IG inspections missed the mishandling of bodies, improper cremations and other serious problems that plagued the Dover Port Mortuary for years. Clearly, a higher, more sustained level of oversight of Dover and of our overall process for military mortuary affairs is called for.

My amendment would provide that higher level of oversight by creating a Federal Mortuary Affairs Advisory Commission. The amendment requires the appointment of family members with direct experience in dealing with Dover, as well as the appointment of outside specialists in mortuary affairs. We owe it to our fallen warriors and their families to make this painful process as dignified and respectful as possible. Creating this Commission will help us do that, which is why I ask for my colleagues to support it.

Without world class linguists we would not have found Bin Laden. It was an important reminder about the need to improve foreign language education and ensure our national security and defense officials have the skilled linguists they need to get the job done.

Since it was created as a pilot program in 2005, The National Language Service Corps (NLSC) has help meet the growing need for linguists and my amendment will ensure that this program becomes permanent.

The NLSC is a corps of on-call language-certified experts who are available to supplement Federal agencies' language capacity. It is designed to provide a surge capability for meeting short-, mid-, and long-term requirements through the identification of a reserve workforce with expertise and skills in over 120 languages that are either currently or potentially critical to the Federal government. The NLSC currently has over 1800 members who are proficient in a critical foreign language. My amendment will help our government have the linguists needed at a moment's notice. I appreciate the committees understanding of the importance of American having a strong foreign language capacity for our defense and non-defense needs.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from California (Mr. MCKEON).

The en bloc amendment were agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. ROHRABACHER of California.

Amendment No. 5 by Ms. LEE of California.

Amendment No. 6 by Mr. CONNOLLY of Virginia.

Amendment No. 7 by Mr. ROONEY of Florida.

Amendment No. 8 by Mr. BARTLETT of Maryland.

Amendment No. 11 by Mr. MARKEY of Massachusetts.

Amendment No. 12 by Mr. POLIS of Colorado.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. ROHRABACHER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROHRABACHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 84, noes 335, not voting 12, as follows:

[Roll No. 263]

AYES—84

Adams
Amash
Baldwin
Benishek
Bilirakis
Black
Bono Mack
Broun (GA)
Buchanan
Cohen
Cravaack
Culberson
Davis (IL)
DeFazio
Denham
DesJarlais
Doggett
Duffy
Duncan (SC)
Duncan (TN)
Farenthold
Fincher
Foxx
Franks (AZ)
Garrett
Gerlach
Gibson
Gingrey (GA)
Gohmert
Gowdy
Graves (GA)
Green, Gene
Herrera Beutler
Huelskamp
Hultgren
Hunter
Jackson (IL)
Jenkins
Johnson (IL)
Jordan
Keating
King (IA)
Kinzinger (IL)
Kissell
Landry
LoBiondo
Lummis
Lynch
Mack
McClintock
Miller (FL)
Mulvaney
Napolitano
Nugent
Pallone
Paul
Petri
Poe (TX)
Posey
Price (GA)
Reed
Ribble
Rigell
Rohrabacher
Rokita
Rooney
Rothman (NJ)
Royce
Runyan
Rush
Schilling
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Stark
Stearns
Stutzman
Tiberi
Upton
Walsh (IL)
Westmoreland
Woodall
Yoder

NOES—335

Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crawford
Crenshaw
Critz
Crowley
Cummings
Davis (CA)
Davis (KY)
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gibbs
Gonzalez
Goodlatte
Gosar
Granger
Graves (MO)
Green, Al
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
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Huizenga (MI)
Hurt
Israel
Issa
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kildee
Kind
King (NY)
Kingston
Kline
Kucinich
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
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 (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis
Pompeo
Price (NC)
Quayle
Quigley
Rahall
Rangel
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Waters
Watt
Waxman
Webster
Welch

West	Wittman	Yarmuth
Whitfield	Wolf	Young (AK)
Wilson (FL)	Womack	Young (FL)
Wilson (SC)	Woolsey	Young (IN)

NOT VOTING—12

Amodei	Filner	Slaughter
Biggert	Holden	Wasserman Schultz
Cardoza	Kelly	
Costello	Pascrell	
Cuellar	Sanchez, Loretta	

□ 1851

Messrs. FLEMING, JOHNSON of Georgia, DANIEL E. LUNGREN of California, KINGSTON, and BERG changed their vote from ''aye'' to ''no.''

Mrs. BONO MACK, Messrs. RIBBLE, BENISHEK, RIGELL, LYNCH, FARENTHOLD, BILIRAKIS, Ms. HERRERA BEUTLER, Ms. JENKINS, Mrs. BLACK, and Mr. ROKITA changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 263, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''aye.''

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

20TH ANNUAL CONGRESSIONAL SPORTSMEN'S SHOOT-OUT

Mr. MILLER of Florida. Mr. Chairman, a couple of days ago we had the 20th Annual Congressional Sportsmen's Shoot-Out. I'm pleased to say, for the majority side of the aisle, that we actually were able to return the trophy back to our side. To my good friend, MIKE ROSS, I want to say, nice try.

We had a great day raising money for the Congressional Sportsmen's Foundation, a foundation that helps fund educational opportunities for young people to learn about hunting and fishing and conservation. This is one of the great bipartisan things that we do as a group.

And with that, Mike, I would also like to say we will miss your enthusiasm, as you leave this body, for hunting and the outdoors.

I yield to my good friend, MIKE ROSS from Arkansas.

Mr. ROSS of Arkansas. I thank the gentleman from Florida.

Let me just say that the Congressional Sportsmen's Caucus is one of the largest bipartisan caucuses within the Congress. I think the work we do together is very important, and at a time when there's so much that divides us, this is something that so many of us are able to come together and be united on. I want to thank everyone that participates and helps make it one of the largest, if not the largest, bipartisan caucuses in the Congress.

To my friend from Florida, now that he gave me a little kind jab, let me just make the point that the Democrats have won the annual skeet, trap, and sporting clays competition for the last 3 years, and we were feeling bad about it, and so we decided that this year we would make sure that all of our shotguns had a full choke and one arm tied behind our back to try to make it more fair. And, obviously, maybe we shouldn't have tied our arm behind our back.

We congratulate you on your victory this year, and we look forward to next year as well for those that are returning.

Mr. MILLER of Florida. I would be remiss if I did not acknowledge the top gun of the day, DUNCAN HUNTER.

AMENDMENT NO. 5 OFFERED BY MS. LEE OF CALIFORNIA

The Acting CHAIR. Without objection, 2-minute voting will resume.

There was no objection.

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 113, noes 303, not voting 15, as follows:

[Roll No. 264]

AYES—113

Amash	Gutierrez	Pallone
Baldwin	Hahn	Pastor (AZ)
Bass (CA)	Hanabusa	Paul
Becerra	Hastings (FL)	Petri
Benishek	Higgins	Pingree (ME)
Blumenauer	Himes	Polis
Bonamici	Hinchey	Quigley
Boswell	Hirono	Rahall
Brady (PA)	Holt	Rangel
Braley (IA)	Honda	Richardson
Campbell	Jackson (IL)	Rohrabacher
Capps	Jackson Lee (TX)	Rothman (NJ)
Capuano	Johnson (IL)	Rush
Carson (IN)	Johnson, E. B.	Sánchez, Linda T.
Cassidy	Jones	Schakowsky
Chu	Keating	Schrader
Cicilline	Kucinich	Scott (VA)
Clarke (MI)	Larson (CT)	Serrano
Clarke (NY)	Lee (CA)	Sires
Clay	Lewis (GA)	Speier
Cleaver	Loebsack	Stark
Cohen	Lofgren, Zoe	Thompson (CA)
Conyers	Maloney	Thompson (MS)
Crowley	Markey	Tierney
Cummings	Matsui	Tonko
Davis (IL)	McClintock	Towns
DeFazio	McDermott	Tsongas
DeGette	McGovern	Velázquez
DeLauro	Meeks	Visclosky
Doyle	Michaud	Walsh (IL)
Duncan (TN)	Miller, George	Waters
Edwards	Moore	Watt
Ellison	Moran	Waxman
Eshoo	Murphy (CT)	Welch
Farr	Nadler	Woolsey
Fattah	Napolitano	Yarmuth
Frank (MA)	Neal	
Fudge	Olver	
Grijalva		

NOES—303

Ackerman	Austria	Barton (TX)
Adams	Baca	Bass (NH)
Aderholt	Bachmann	Berg
Akin	Bachus	Berkley
Alexander	Barletta	Berman
Altmire	Barrow	Bilbray
Andrews	Bartlett	Bilirakis
Bishop (GA)	Griffith (VA)	Palazzo
Bishop (NY)	Grimm	Paulsen
Bishop (UT)	Guinta	Pearce
Black	Guthrie	Pelosi
Blackburn	Hall	Perlmutter
Bonner	Hanna	Peters
Bono Mack	Harper	Peterson
Boren	Harris	Pitts
Boustany	Hartzler	Platts
Brady (TX)	Hastings (WA)	Poe (TX)
Brooks	Hayworth	Pompeo
Broun (GA)	Heck	Posey
Brown (FL)	Heinrich	Price (GA)
Buchanan	Hensarling	Price (NC)
Bucshon	Herger	Quayle
Buerkle	Herrera Beutler	Reed
Burgess	Hinojosa	Rehberg
Burton (IN)	Hochul	Reichert
Butterfield	Hoyer	Renacci
Calvert	Huelskamp	Reyes
Camp	Huizenga (MI)	Ribble
Canseco	Hultgren	Richmond
Cantor	Hunter	Rigell
Capito	Hurt	Rivera
Carnahan	Israel	Roby
Carney	Issa	Roe (TN)
Carter	Jenkins	Rogers (AL)
Castor (FL)	Johnson (GA)	Rogers (KY)
Chabot	Johnson (OH)	Rogers (MI)
Chaffetz	Johnson, Sam	Rokita
Chandler	Jordan	Rooney
Clyburn	Kelly	Ros-Lehtinen
Coble	Kildee	Roskam
Coffman (CO)	Kind	Ross (AR)
Cole	King (IA)	Ross (FL)
Conaway	King (NY)	Roybal-Allard
Connolly (VA)	Kingston	Royce
Cooper	Kinzinger (IL)	Runyan
Costa	Kissell	Ruppersberger
Courtney	Kline	Ryan (OH)
Cravaack	Labrador	Ryan (WI)
Crawford	Lamborn	Sarbanes
Crenshaw	Lance	Scalise
Critz	Landry	Schiff
Cuellar	Langevin	Schilling
Culberson	Lankford	Schmidt
Davis (CA)	Larsen (WA)	Schock
Davis (KY)	Latham	Schwartz
Denham	LaTourette	Schweikert
Dent	Latta	Scott (SC)
DesJarlais	Levin	Scott, Austin
Deutch	Lipinski	Scott, David
Diaz-Balart	LoBiondo	Sensenbrenner
Dicks	Long	Sessions
Dingell	Lowey	Sewell
Doggett	Lucas	Sherman
Dold	Luetkemeyer	Shimkus
Donnelly (IN)	Luján	Shuler
Dreier	Lummis	Shuster
Duffy	Lungren, Daniel E.	Simpson
Duncan (SC)	Lynch	Smith (NE)
Ellmers	Mack	Smith (NJ)
Emerson	Manzullo	Smith (TX)
Engel	Marchant	Smith (WA)
Farenthold	Marino	Southerland
Fincher	Matheson	Stearns
Fitzpatrick	McCarthy (CA)	Stivers
Flake	McCarthy (NY)	Stutzman
Fleischmann	McCaul	Sutton
Fleming	McCollum	Terry
Flores	McCotter	Thompson (PA)
Forbes	McHenry	Thornberry
Fortenberry	McIntyre	Tiberi
Foxx	McKeon	Tipton
Franks (AZ)	McKinley	Turner (NY)
Frelinghuysen	McMorris Rodgers	Turner (OH)
Gallegly	McNerney	Upton
Garamendi	Meehan	Van Hollen
Gardner	Mica	Walberg
Garrett	Miller (FL)	Walden
Gerlach	Miller (MI)	Walz (MN)
Gibbs	Miller (NC)	Webster
Gibson	Miller, Gary	West
Gingrey (GA)	Mulvaney	Westmoreland
Gohmert	Murphy (PA)	Whitfield
Gonzalez	Myrick	Wilson (SC)
Goodlatte	Neugebauer	Wittman
Gosar	Noem	Wolf
Gowdy	Nugent	Womack
Granger	Nunes	Woodall
Graves (GA)	Nunnelee	Yoder
Graves (MO)	Olson	Young (AK)
Green, Al	Owens	Young (FL)
Green, Gene		Young (IN)
Griffin (AR)		

NOT VOTING—15

Amodei	Cardoza	Filner
Biggert	Costello	Holden

Kaptur
Lewis (CA)
Pascrell
Pence
Sanchez, Loretta
Slaughter
Sullivan
Wasserman Schultz
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1859

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 264, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

Stated against:

Mr. CASSIDY. Mr. Chair, on rollcall No. 264 I inadvertently voted "yea." My intention was to vote "nay."

AMENDMENT NO. 6 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 1, not voting 18, as follows:

[Roll No. 265]

AYES—412

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
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
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
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
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
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
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
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
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pastor (AZ)
Paul
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.
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
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
Walden
Walsh (IL)
Walz (MN)
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

Kucinich

NOT VOTING—18

Amodei
Biggert
Cardoza
Costello
Cravaack
Filner
Grimm
Hall
Holden
Miller, George
Pascrell
Pence
Sanchez, Loretta
Schilling
Schock
Slaughter
Walberg
Wasserman Schultz

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1903

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 265, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

AMENDMENT NO. 7 OFFERED BY MR. ROONEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. ROONEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 171, not voting 11, as follows:

[Roll No. 266]

AYES—249

Adams
Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Bilbray
Bilirakis
Bishop (NY)
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
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
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)
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)
Kissell
Kline
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
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Peters
Peterson
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
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)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—171

Ackerman
Amash
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berman
Bishop (GA)
Blumenauer
Bonamici
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
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farenthold
Farr
Fattah
Frank (MA)
Fudge
Gonzalez
Green, Al
Griffith (VA)
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey
Matsui
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pastor (AZ)
Paul
Pelosi
Perlmutter
Petri
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Ribble
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
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—11

Amodei
Biggert
Cardoza
Costello
Filner
Holden
Pascrell
Pence
Sanchez, Loretta
Slaughter
Wasserman Schultz

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1908

Ms. HOCHUL and Mr. CARSON of Indiana changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 266, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''no.''

AMENDMENT NO. 8 OFFERED BY MR. BARTLETT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. BARTLETT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 211, noes 209, not voting 11, as follows:

[Roll No. 267]

AYES—211

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
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
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
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)
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
Kline
Labrador
Lamborn
Landry
Lankford
Paulsen
Latham
Pearce
Latta
Petri
Lewis (CA)
Pitts
Long
Platts
Lucas
Poe (TX)
Luetkemeyer
Pompeo
Lummis
Posey
Lungren, Daniel E.
Price (GA)
Quayle
Mack
Reed
Manzullo
Rehberg
Marchant
Renacci
Marino
Ribble
McCarthy (CA)
Rigell
McCaul
Rivera
McClintock
Roby
McHenry
Roe (TN)
McKeon
Rogers (AL)
McMorris Rodgers
Rogers (KY)
Rogers (MI)
Mica
Rohrabacher
Miller (FL)
Rokita
Miller (MI)
Rooney
Miller, Gary
Ross (FL)
Mulvaney
Royce
Myrick
Ryan (WI)
Neugebauer
Scalise
Noem
Schilling
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOES—209

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
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
Courtney
Cravaack
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Richmond
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Sires

Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walsh (IL)
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth
Young (AK)

NOT VOTING—11

Amodei
Biggert
Cardoza
Costello
Filner
Holden
Pascrell
Pence
Sanchez, Loretta
Slaughter
Wasserman Schultz

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1912

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 267, I was away from the Capitol due to prior commitments to my constituents. Had I ben present, I would have voted ''no.''

AMENDMENT NO. 11 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 308, not voting 11, as follows:

[Roll No. 268]

AYES—112

Amash
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Boswell
Braley (IA)
Campbell
Capps
Capuano
Carson (IN)
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Conyers
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Deutch
Doggett
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Gibson
Griffith (VA)
Grijalva
Gutierrez
Hahn
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Keating
Kind
Kucinich
Lee (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Lynch
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
Michaud
Miller, George
Moore
Mulvaney
Nadler
Napolitano
Neal
Olver
Pallone
Paul
Pelosi
Perlmutter
Peters
Petri
Pingree (ME)
Polis
Quigley
Rahall
Rangel
Reed
Richmond
Rohrabacher
Rothman (NJ)
Rush
Sánchez, Linda T.
Sarbanes
Schakowsky
Schwartz
Sensenbrenner
Serrano
Smith (NJ)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Waters
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—308

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (PA)
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Cicilline
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (CA)
Davis (KY)
DeLauro
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dingell
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Himes
Hochul
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pastor (AZ)
Paulsen
Pearce
Peterson
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
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)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Watt
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Amodei
Biggert
Cardoza
Costello
Filner
Holden
Pascrell
Pence
Sanchez, Loretta
Slaughter
Wasserman Schultz

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1916

Mr. COFFMAN of Colorado changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 268, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''yea.''

AMENDMENT NO. 12 OFFERED BY MR. POLIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 252, not voting 14, as follows:

[Roll No. 269]

AYES—165

Ackerman
Amash
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Goodlatte
Griffith (VA)
Grijalva
Gutierrez
Hahn
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Huizenga (MI)
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Kaptur
Keating
Kildee
Kind
Kucinich
Labrador
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCollum
McDermott
McGovern
McNerney

Meeks	Price (NC)	Speier
Michaud	Quigley	Stark
Miller (NC)	Rahall	Sutton
Miller, George	Rangel	Thompson (CA)
Moore	Reyes	Tierney
Moran	Ribble	Tonko
Mulvaney	Richmond	Towns
Murphy (CT)	Rothman (NJ)	Tsongas
Nadler	Rush	Upton
Napolitano	Sánchez, Linda T.	Van Hollen
Neal	Sarbanes	Velázquez
Olver	Schakowsky	Visclosky
Owens	Schiff	Walden
Pallone	Schrader	Walz (MN)
Pastor (AZ)	Schwartz	Waters
Paul	Scott (VA)	Watt
Pelosi	Serrano	Waxman
Perlmutter	Sewell	Welch
Peters	Sherman	Wilson (FL)
Petri	Sires	Woolsey
Pingree (ME)	Smith (WA)	Yarmuth
Polis		

NOES—252

Adams	Fleischmann	McCarthy (CA)
Aderholt	Fleming	McCarthy (NY)
Akin	Flores	McCaul
Alexander	Forbes	McClintock
Altmire	Fortenberry	McCotter
Austria	Foxx	McHenry
Bachmann	Franks (AZ)	McIntyre
Bachus	Frelinghuysen	McKeon
Barletta	Gallegly	McKinley
Barrow	Gardner	McMorris Rodgers
Bartlett	Garrett	Meehan
Barton (TX)	Gerlach	Mica
Bass (NH)	Gibbs	Miller (FL)
Benishek	Gingrey (GA)	Miller (MI)
Berg	Gohmert	Miller, Gary
Berkley	Gosar	Murphy (PA)
Berman	Gowdy	Myrick
Bilbray	Granger	Neugebauer
Bilirakis	Graves (GA)	Noem
Bishop (GA)	Graves (MO)	Nugent
Bishop (UT)	Green, Al	Nunes
Black	Green, Gene	Nunnelee
Blackburn	Griffin (AR)	Olson
Bonner	Grimm	Palazzo
Bono Mack	Guinta	Paulsen
Boren	Guthrie	Pearce
Boustany	Hall	Peterson
Brady (TX)	Hanabusa	Pitts
Brooks	Hanna	Platts
Broun (GA)	Harper	Poe (TX)
Brown (FL)	Harris	Pompeo
Buchanan	Hartzler	Posey
Bucshon	Hastings (WA)	Price (GA)
Buerkle	Hayworth	Quayle
Burgess	Heck	Reed
Burton (IN)	Hensarling	Rehberg
Calvert	Herger	Reichert
Camp	Herrera Beutler	Renacci
Campbell	Huelskamp	Richardson
Canseco	Hultgren	Rigell
Cantor	Hunter	Rivera
Capito	Hurt	Roby
Carter	Issa	Roe (TN)
Cassidy	Jenkins	Rogers (AL)
Chabot	Johnson (IL)	Rogers (KY)
Chaffetz	Johnson (OH)	Rogers (MI)
Chandler	Johnson, E. B.	Rohrabacher
Coble	Johnson, Sam	Rokita
Coffman (CO)	Jones	Rooney
Cole	Jordan	Ros-Lehtinen
Conaway	Kelly	Roskam
Connolly (VA)	King (IA)	Ross (AR)
Costa	King (NY)	Ross (FL)
Cravaack	Kingston	Royce
Crawford	Kinzinger (IL)	Runyan
Crenshaw	Kissell	Ruppersberger
Cuellar	Kline	Ryan (OH)
Culberson	Lamborn	Ryan (WI)
Davis (KY)	Lance	Scalise
Denham	Lankford	Schilling
Dent	Latham	Schmidt
DesJarlais	Latta	Schock
Diaz-Balart	Lewis (CA)	Schweikert
Dicks	Lipinski	Scott (SC)
Dold	LoBiondo	Scott, Austin
Donnelly (IN)	Long	Scott, David
Dreier	Lucas	Sensenbrenner
Duffy	Luetkemeyer	Sessions
Duncan (SC)	Lummis	Shimkus
Ellmers	Lungren, Daniel E.	Shuler
Emerson	Mack	Shuster
Farenthold	Manzullo	Simpson
Fincher	Marchant	Smith (NE)
Fitzpatrick	Marino	Smith (NJ)
Flake		

Smith (TX)	Tiberi	Wilson (SC)
Southerland	Tipton	Wittman
Stearns	Turner (NY)	Wolf
Stivers	Turner (OH)	Womack
Stutzman	Walberg	Woodall
Sullivan	Walsh (IL)	Yoder
Terry	Webster	Young (AK)
Thompson (MS)	West	Young (FL)
Thompson (PA)	Westmoreland	Young (IN)
Thornberry	Whitfield	

NOT VOTING—14

Amodei	Holden	Roybal-Allard
Biggert	Landry	Sanchez, Loretta
Cardoza	LaTourette	Slaughter
Costello	Pascrell	Wasserman Schultz
Filner	Pence	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1919

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 269, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

Mr. MCKEON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEST) having assumed the chair, Mr. HASTINGS of Washington, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes, had come to no resolution thereon.

MOTIONS TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. BARROW. Mr. Speaker, I have a motion at the desk.

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

The Clerk read as follows:

Mr. Barrow moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to insist on title II of the House bill, regarding approval of the Keystone XL Pipeline.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to clause 7 of rule XXII, the gentleman from Georgia (Mr. BARROW) and the gentleman from Michigan (Mr. UPTON) each will control 30 minutes.

Mr. WAXMAN. Mr. Speaker, I would like to inquire whether whoever is claiming time to speak on this motion on the Republican side of the aisle is, in fact, opposed to the motion.

Mr. UPTON. I would like to claim time on the Republican side in support of the motion.

The SPEAKER pro tempore. Pursuant to clause 7(b)(2) of rule XXII, the gentleman from Georgia (Mr. BARROW), the gentleman from Michigan (Mr. UPTON), and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

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

Mr. Speaker, I rise in support of a motion to instruct the conferees on the Surface Transportation Extension Act of 2012 to insist on title II of that act, which contains revisions of the North American Energy Access Act, essentially calling for the completion of the Keystone XL pipeline.

Mr. Speaker, in these times of increasing security threats and economic uncertainty, the construction of the Keystone XL pipeline represents a win-win for America's national security and economic interests. Not only will this project create thousands of much-needed jobs, but it will secure America's energy future by reducing our dependence on foreign oil.

By working with our neighbors to the north on an effort that ramps up our domestic energy production, we'll better protect families here at home from the effects of energy market insecurity caused by political and economic troubles in other parts of the world. Estimates vary, but the most conservative estimates predict that this jobs project will create 13,000 new construction jobs and an additional 7,000 manufacturing jobs.

But that's not all, Mr. Speaker. The Keystone XL pipeline, when operating at capacity, will be able to move 840,000 barrels of oil per day into our domestic refining capacity on the domestic production market. To put that in perspective, America imports about 8.4 million barrels per day. The carrying capacity of this pipeline alone is 10 percent of America's net national daily imports. America consumes 20 million barrels of oil a day. The carrying capacity of this pipeline represents 5 percent of current U.S. daily consumption of oil products.

The U.S. produces about 8.8 million barrels a day. This pipeline will have the capacity to bring in 10 percent more than what we're already producing on a daily basis here in this country. It also represents approximately a one-third increase in the total daily imports from Canada. And if that wasn't enough, the 840,000 barrels a day this pipeline carries comes real close to the 900,000 barrels that we import every day from Venezuela.

I don't know about anybody else, but any policy in this country that private enterprise is going to lead the way on and pay for that can cause us to tell the folks in Venezuela, Good-bye, we'll see you later, that's good economic policy and good energy policy for this country.

Mr. Speaker, we've held hearings on this matter. We've engaged the public and energy experts. We've checked and rechecked for environmental soundness

and debated for hours on the floor of this House. After all that, what we're left with is a very well-vetted and, I think, worthwhile project that is ready to start construction. For the jobs and for the energy security, the folks I represent want us to get moving on this. We have an opportunity to make that happen in the highway bill conference that's currently under way.

I encourage my colleagues to support my motion to instruct so we can send that message loud and clear to the conferees.

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

□ 1930

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

Mr. Speaker, this amendment is really about jobs and the economy. The President, you will remember, in a national address in January, said he would do whatever it takes to create U.S. jobs. That's what this bill does. It creates, by just about everybody's estimate, 20,000 direct jobs and more than 100,000 indirect jobs. And I would note that under ED WHITFIELD's leadership, the chairman of the Energy and Power Subcommittee, we went through regular order on this bill last year. We held hearings, we held a subcommittee markup, we had a full committee markup, and last summer we passed it on the House floor by almost a two-to-one margin; obviously, bipartisan.

Mr. Speaker, we consume about 18 or 19 million barrels of oil every day. We produce only 8 to 9 million barrels a day. This is a pipeline that will bring us 800,000 barrels a day from our friends, the Canadians.

We've waited 3 years. You'll remember that Secretary of State Hillary Clinton said in October of 2010 that she was inclined to support this. And in August of last year she said, We'll have the review done before the end of the year. It's not been done yet. And even though this House passed the bill by a significant margin, the Senate did not act. That's why this bill has been attached to a couple of different bills, and now it's part of the highway bill. I support the gentleman's instruction to the conferees to include this.

The route has been rerouted through Nebraska. They now support this new route. We have spent billions of dollars in our refineries across the country trying to get ready for this new source of oil coming from our friends, the Canadians. So what happens if we continue to say no? The Canadians, for sure, are going to still produce this. They're still going to mine the oil sands in Alberta. But it's not going to come here. It's going to go to China. China is prepared to spend with the Canadians literally billions of dollars to send it there, of which none of it will come back to the United States.

That is not the right answer. No, it's not. That's why it's not only a national security issue as part of the highway bill, but it's also a way that we will know that we will have a steady source of supply.

Now let me just make one more point. Today, we import from Canada 2.6 million barrels of oil every single day. A million barrels of that already is oil sands. In my home State of Michigan, the Marathon refinery outside of Detroit has spent $2.2 billion expanding their refinery, preparing for oil sands—not from Alberta, not from this part of Canada, but other parts—of which the oil sands will then be part of what we consume here in the United States. A million barrels of the 2.6 million that Canada sends us every day is oil sands. What is the problem with expanding that by another 800,000 barrels a day that will produce American jobs and allow us to have less reliance on friends like Venezuela and folks in the Middle East, if we can use our best friend, Canada, to help us provide this oil to the United States?

So I support the gentleman's instruction. I hope that it will pass when we have the vote tomorrow.

I ask unanimous consent that the balance of my time be reserved and under the direction of Mr. WHITFIELD, the subcommittee chair of the Energy and Power Subcommittee.

The SPEAKER pro tempore (Mr. WOODALL). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume, and I rise in opposition to this instruction.

First of all, whatever your views are on the pipeline coming out of Canada, this is not the place for this issue to be brought up because what this provision would do would be to short-circuit the decisionmaking and mandate approval of the pipeline. It doesn't belong in the transportation bill.

We see this over and over again. Our Republican colleagues like to take bills and then hold them hostage to get what they want. They wanted to get the pipeline approved so they mandated the President had to make a decision within 60 days in a previous bill. The President didn't want it. He said, Okay, I'll sign it. But then he said he's not ready to make a decision in 60 days.

So this provision doesn't require him to make a decision. It tells him this is going to be decided. This is going to be done. That's what we used to call earmarks, and in fact this is an earmark—a special interest earmark.

On its merits, this legislative earmark for TransCanada makes no sense. Mandating approval of the Keystone XL pipeline might help jobs in other countries. It might create more jobs in Canada. But when the Republicans tell us it's going to produce so many jobs in the United States, they are not buying a pipeline; they are buying a pipe dream.

A green light for Keystone will lead to massive imports of transmission pipe manufactured overseas. The American people will bear all the risks and Big Oil will reap all the rewards of this pipeline. We are going to get more carbon pollution, more dangerous oil spills, land seizures by a foreign company, and higher oil prices in the Midwest. Big Oil gets the ability to extract more profits from the Midwest, a conduit for exploiting tar sands products to China, because that's where this oil is going to go. Because it's an international transport of oil from these tar sands from Canada to the United States going down to the Gulf, it can then be put on steamers and sent to China, and there is no restriction against it. We have open markets, and China would be delighted to take that oil. But it is not going to benefit us. It is going to benefit China.

President Obama listened to the differing views of American citizens and he made a responsible decision. He said he was not going to approve this pipeline through the ecologically fragile Sand Hills area of Nebraska. But the State Department would consider an alternative route, and Nebraska is still looking for another route that would be acceptable to the State.

The President is making sure he has all the information he needs to make the right decision. This provision takes the opposite approach. It gives the pipeline an unprecedented legislative earmark. It doesn't give discretion. It requires the Federal Energy Regulatory Commission to approve the pipeline immediately, even though we don't know what route it will take through Nebraska.

I think we ought to recognize these tar sands in Canada are very, very dirty, and it is going to require a lot of energy to get them into an oil form that can be transported through a pipeline. The consequence of that is going to be to add more carbon emissions at a time when our planet is already suffering from global warming and extreme climate change.

It would be incredibly reckless for Congress to jeopardize this critically important transportation bill by playing politics over an unrelated and extraneous provision. I urge my colleagues to reject this motion and to not put in this poison pill provision that would lead to the whole transportation bill being vetoed.

I reserve the balance of my time.

Mr. BARROW. I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, construction of the Keystone XL pipeline would create thousands of jobs for hardworking Americans, but it would also increase our energy independence. Canada has already confirmed its intention to build the pipeline. The only question now is whether or not our Nation will benefit from the jobs, economic growth, and energy security that comes with construction of the pipeline.

We cannot allow this opportunity to pass us by. The project would be developed in keeping with all environmental

regulations and constructed with the safest and most advanced pipeline technology available. What's more, the Keystone pipeline takes advantage of Canada's vast oil resources that are the second-largest on the planet.

The time for delay has long since passed. The House legislation would advance the approval and construction of the pipeline passed by the House on multiple occasions with bipartisan support. The Keystone pipeline has the potential to become a viable, long-lasting, sustainable source of energy for the future. Construction of the pipeline would provide a steady source of energy for our country, decrease our reliance on volatile oil markets, and provide the certainty that comes with steady jobs for tens of thousands of Americans.

Mr. Speaker, the pipeline is going to be built. What is left to decide is whether Americans will benefit from it. I strongly urge the conferees on the Surface Transportation reauthorization committee to include the Keystone pipeline in the final bill, and I look forward to working with my colleagues to continue to advance our Nation's energy independence.

□ 1940

Mr. WHITFIELD. Mr. Speaker, at this time, I would like to yield 4 minutes to the distinguished gentleman from Nebraska (Mr. TERRY), who is one of the primary sponsors of the Keystone pipeline legislation, and the route of the pipeline will be going partially through his home State of Nebraska.

Mr. TERRY. Mr. Speaker, I thank the gentleman, and I rise in strong support of the gentleman from Georgia's motion to instruct conferees to support the Keystone pipeline in the transportation bill.

Let's start with a quick tutorial here. Right here above the United States border in Canada, a couple hundred miles north of our border, lies the second or third largest current reserve of oil.

Now, there's already an existing pipeline coming down through the Bakken fields in North Dakota. This blue dotted line is the new pipeline, the one that is of controversy now, mostly because the environmental left, the NRDC and some other organizations that have come out and opposed that because they don't want fossil fuel use, especially a heavier crude. Now, that's the focus of the debate. They have stated that their whole goal here is to kill this pipeline.

Now, what does this pipeline do for the United States of America? First of all, we have the second or third largest reserve here. This pipeline will bring 800,000 barrels per day. We've already heard from two different gentlemen that our country imports about 10 million barrels per day. So if we can bring 800,000 to a million barrels per day, that's that much less that has to be imported from a country like Venezuela. And, by the way, we import about 800,000 to 900,000 barrels per day from Venezuela. Maybe we can stop sending our dollars to Venezuela so they can buy military equipment from Europe—I'm sorry—from Russia to destabilize South and Central America, which is what these dollars are doing.

So it provides us a level of energy security; offsets imports into our country from countries we don't like.

The bonus here is jobs—10,000 to 20,000 jobs will be created directly. And we hear statements that it won't create jobs, but I can take you to the laborers' facility that has a project labor agreement in hand. I can take you to the IBEW that has a project labor agreement in hand. I can take you to several other of our unions that have agreements ready to go if they would start building this pipeline.

Now, I wanted to mention and clear up some of the misinformation that's out there regarding this pipeline in my home State of Nebraska.

First of all, in the efforts that we took to get this pipeline out of the politics of the White House and into reasonable hands to get this approved, we exempted the State of Nebraska, giving them enough time to find a new route. The President ignored that provision of the bill and still used the State of Nebraska as his excuse to kill the pipeline. We're here today because the President denied their permit, said no to the Keystone pipeline.

Well, as we stand here today, this pipeline has already been rerouted, a different route chosen off of the Sand Hills of Nebraska. The environmental assessment is occurring as we speak here today, and it'll be done in a few months. There is no longer an excuse for the President to use to kill this new permit just recently filed by TransCanada for this pipeline.

So in review, we offset the oil we import from other countries we don't like.

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

Mr. WHITFIELD. I yield an additional 1 minute to the gentleman.

Mr. TERRY. We create 20,000 jobs building this pipeline, and we have a relationship with China where we access the second or third largest reserve.

And the gentleman is right. There's a pipeline that they're building to go off west so the Chinese can have access to part of this. We need this oil. Let's complement our friends and let's pass this pipeline.

Mr. WAXMAN. At this time, I would like to yield 4 minutes to the gentleman from Pennsylvania (Mr. DOYLE), an important member of the Energy and Commerce Committee.

Mr. DOYLE. Mr. Speaker, I rise in opposition to this motion to instruct.

Like Mr. BARROW and many of my friends on the other side of the aisle, I support building this pipeline in a way that protects the environment and creates good American jobs—but not in the manner that this motion to instruct would have us do.

I've come to the floor many times to talk about the Keystone pipeline. Many times my concern was that we're not using enough American-made steel in this project, that a lot of what we were told initially about the steel worker jobs and the things that would be created just didn't come to materialize. But my biggest concern with this motion to instruct is we're once again talking about a 30-day timeline for approval from an agency, the Federal Energy Regulatory Commission, which has nothing to do with oil pipeline siting and permitting.

We're tasking FERC with the regulation of wholesale electricity. We task them with ensuring reliability, hydropower permitting, and natural gas pipeline siting. FERC doesn't have the authority or the expertise to permit and site oil pipeline at all, and it is unrealistic to expect that they can do it in 30 days. And if FERC doesn't issue a permit in 30 days, it doesn't matter; this motion would allow the permit to be deemed as issued, to build the Keystone XL pipeline even if FERC doesn't approve a permit within 30 days.

A 30-day arbitrary and rushed approval for this pipeline is not worth holding up our entire highway bill conference. The Keystone XL pipeline will be built in due time with appropriate permitting. It will create good-paying jobs and strengthen our relationship with our neighbor Canada. Let's not hold up the highway bill conference that can bring even more good jobs and improved infrastructure that our country so badly needs.

I urge my colleagues to vote ''no'' on this motion to instruct.

Mr. BARROW. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. I thank the gentleman from Georgia for offering this motion and I thank him for yielding me this time.

We've heard a lot from different Members out here already about what the construction of this pipeline would mean in terms of increased capacity, of product coming from North American sources for U.S. oil consumption. We've heard about the jobs for the construction of the pipeline, and I'm not going to repeat all of those numbers and statistics. But I thought it would be helpful to talk about a couple of the issues that have been raised about this pipeline and try to clarify some of the facts about what's going on with this type of product and this type of pipeline.

A lot of people think this is a brand new product. They're worried about product from oil sands. In fact, according to the Congressional Research Service, there are already five other pipelines that are bringing this product from Canada to the United States. In fact, for years this product has been coming to refineries in the State of Utah, where I'm from, and refined in refineries in North Salt Lake.

The most recent of those five pipelines that brings this product from

Canada was actually approved by the Obama administration in 2009. It brings 800,000 barrels a day from Canada into the United States. And when that project was approved by the Obama administration's State Department, the State Department said that the pipeline would send:

A positive economic signal in a difficult economic period about the future reliability and availability of a portion of United States' energy imports, and in the immediate term, this shovel-ready project will provide construction jobs for workers in the United States.

Now, when it comes to the Keystone proposal, as it was going through 3 years of environmental review, when discussing this pipeline, Secretary Clinton's Coordinator for International Energy Affairs, David Goldwyn, stated:

Balancing jobs and energy security . . . I think the case for a pipeline is overwhelming and she will approve it.

□ 1950

This is a project that has received a lot of scrutiny. It's not a new type of project—five other ones come to this country. I know there may be some unique aspects of this specific pipeline proposal, but in general there are five other ones that bring this product to the United States already.

This has become a symbol. We can have honest disagreements about what we think about issues, but we should make sure we understand what the facts are about this pipeline. As I said, this product has already come into this country many times.

I thank the gentleman again for offering this motion to recommit, and I urge passage.

Mr. WHITFIELD. At this time, I'd like to yield 4 minutes to the distinguished gentleman from Louisiana (Mr. SCALISE), a member of the Energy and Commerce Committee and a real advocate for the Keystone pipeline.

Mr. SCALISE. I thank the gentleman from Kentucky for yielding.

I want to rise in strong support of the gentleman from Georgia's motion to instruct. This is a strong bipartisan motion that has support not only in the Halls of Congress, but also has support amongst the American people as they look at this proposal.

Keystone, our friend in Canada, they have vast oil reserves, and they're going to extract those reserves whether they're used in America or whether they're used in China. So the question is not whether or not Canada is going to go and explore their oil sands, it's whether or not we get the oil from a friend in Canada—1 million barrels a day when it's in operation—or we continue to become more reliant on Middle Eastern oil, oil from countries, in many cases, that use the money that we send—the billions of dollars a day we send to them—against us, against our troops.

We have an opportunity to do many things here. We can help secure America's energy independence by saying that's 1 million barrels a day less that we need to get from Middle Eastern countries who don't like us, we can get it from a friend in Canada. They want to send it to us. And oh, by the way, it's going to create about 20,000 American jobs upfront. There's much more to come. The estimates are even higher long term once the pipeline is in operation.

This shouldn't even be a dilemma. It's not controversial to most people. Most people consider it a no-brainer—20,000 jobs, 1 million barrels a day of oil from a friend in Canada instead of other countries—and yet President Obama has said no. Now, he goes around giving speeches saying he's for all of the above. We've heard it time and time again, he's for all of the above. Maybe he's for all up above, but nothing below. Because if you say ''no'' to the Keystone pipeline, you're not for an all-of-the-above energy.

You just look at the facts. We've got the opportunity to say ''yes'' to something that creates great jobs, and this transportation bill is the perfect place for it because this is infrastructure. We've got pipeline already running all throughout our country.

Even if this amendment passes, Mr. Chairman, there's nothing that says that every State has to have the Keystone pipeline go through it. If there are any environmental issues, each State still has to permit the pipeline if it goes through their State. So each State still has the ability to say, look, we want to make sure the route fits best with our environment. That will happen anyway, even if it's approved.

But if the President rejects Keystone, make no doubt about it, the oil will still be produced in Canada, except it will be sent to China, and the jobs will be sent to China, and the billions of dollars of private investment—this isn't one of those phony stimulus bills where we print a bunch of money we don't have and borrow it from China. This is actually real investment from private sources, and they want to spend those billions of dollars here in America. They want to create those jobs here in America. They want to help ensure our American energy independence right here at home, and the President keeps saying ''no.''

It's our opportunity to stand up in a bipartisan way and say this is something we all agree upon. Just because some radical environmentalists went and held a big rally over at the White House a few months ago, and literally 3 days later the President said, oh, wait, now I'm against Keystone. It's time for us to stand up and do the right thing—stand up for those American jobs, stand up for billions of dollars in private investment, and stand up for American energy security and say ''yes'' to the Keystone pipeline. I strongly support this motion.

Mr. WAXMAN. Mr. Speaker, I'm pleased at this time to yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman from California.

The transportation bill should be about increasing the number of riders on our mass transit systems to reduce our oil dependence. It should be about increasing the number of riders in HOV lanes to ease commuters' lives and to encourage people to get more energy-efficient vehicles. The transportation bill should not be used as a vehicle to force approval of the Keystone XL ''export'' pipeline, because that's what it is—it's an extra large export pipeline.

The American Petroleum Institute ads claim that the Keystone pipeline will deliver oil ''to power our country.'' Sounds great. But in fact, there is no legislative guarantee that even a single drop of this oil and fuel from the Keystone ''export'' pipeline would stay in the United States for American consumers.

When I asked, in the hearing, the president of the TransCanada pipeline company whether he would guarantee that the oil that came from Canada through the entirety of the United States would stay here in the United States, he said no, I will not give you a guarantee. So let us not hear again from the Republicans about how this is oil for America because the president of the pipeline would not give us a guarantee that he would keep the oil here in the United States. And why is that? Because the pipeline is going to Port Arthur, Texas.

Now, what's so special about Port Arthur, Texas? Well, it just happens to be that it's a tax-free zone. So they're going to bring this pipeline, without any environmental safeguards because they just want to approve it themselves, the Congress—and a congressional expert is an oxymoron, okay. There is no such thing compared to real environmental experts, real experts in this area. A congressional expert is like jumbo shrimp or Salt Lake City nightlife—I mean, there is no such thing. And yet they're saying, no, let's approve the pipeline. No environmental safeguards—we'll just move it through, we're experts. We're going to supersede the Environmental Protection Agency and send it to Port Arthur, Texas. And then, in Port Arthur, Texas, it's going to get sent, and guess where it's going to get sent? You don't have to be Dick Tracy to figure this out. It's going to be sent to China. It's going to be sent to Latin America. It's going to be sent to Europe—tax free.

By the way, if you represent Port Arthur, Texas—if you represent any part of Texas, vote ''yes'' on this resolution. I'll throw in Louisiana and Oklahoma as well. But if you come from another State, I don't know what you're thinking. I really don't know what you're thinking. You don't have a guarantee on the environment. You don't have a guarantee that the oil is going to stay here in the United States. You're going to accept the canards, the fabrications, the misrepresentations that this is oil for America, when no one will put it in the bill that the oil must stay in America.

You won't hear the president of TransCanada or ExxonMobil or Chevron saying the oil is going to stay in America—let me know when that happens. This is oil that they're going to sell in other parts of the world. And why do they want to do that? Because right now a barrel of oil in the United States is $93 a barrel, and a barrel of oil in Europe is $115 a barrel. You don't have to be a finance major to figure out that they want to sell that oil on the world market.

So all we are is just a big conduit for that dirtiest oil in the world coming out of Canada, coming right through the United States—without environmental safeguards—going to Port Arthur, Texas, tax-free zone, to send it so that ExxonMobil and the rest of these companies can make a fortune on the global market. Now, is that crazy or what?

Why are we debating this right now? And why are we listening to these people at the same time that we export? You know something else we export, ladies and gentlemen? We export our young men and women over to the Middle East in order to protect oil coming into the United States. We should not be exporting young men and women at the expense of domestic oil which we could keep in our own country. That should not be exported, not if more young men and women have to be sent overseas in order to protect the oil lines coming in from the Middle East. That's our greatest vulnerability.

So vote ''no'' on this resolution. This is the capstone of the Republican majority's commitment to the oil industry. It is something that is very consistent with everything that they have done since they took over the majority. But the truth of the matter is is that this is just a one-way trip to exotic locations in China and Morocco and Singapore for oil that is going to compromise the environment of the United States and not protect our security one whit.

I'm waiting for the first Republican to stand up and accept an amendment which would keep that oil in the United States. It just is not going to happen.

Mr. BARROW. Mr. Speaker, at this time I yield to 2 minutes to the gentleman from North Carolina (Mr. KISSELL).

□ 2000

Mr. KISSELL. Mr. Speaker, I thank my friend and colleague from Georgia for the time, and I rise in full support of his motion to instruct the conferees to support the Keystone pipeline.

A lot of numbers and a lot of facts have been given out. I will not repeat those. I will just cover a couple of points very quickly.

We have heard through the past years and even decades, we've talked about energy independence, but yet we haven't gotten that. We have the opportunity to create North American energy independence if we just make a few good decisions. This is one of them.

It's time. We've talked about this long enough. It's time to move this pipeline forward for all of the benefits that we can receive in jobs, in energy security. It's time.

We've heard a lot of discussions tonight about what the administration might say or Congress might say or the petroleum people and a few others. But we haven't heard something, an opinion for the American working families. Our families are desperate for energy security, for the pricing stability. This is a step towards that.

We should not forget at all our American working families, our responsibility to helping them as they struggle to get by in this tough economy. They have to be front and center in this decision. So I encourage my colleagues to vote ''yes.''

And I appreciate, once again, my colleague bringing this motion forward.

Mr. WHITFIELD. I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I'd like, at this time, to yield 4 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I rise in opposition to this motion to instruct the conferees. I'm a member of the Transportation and Infrastructure Committee, and we would like to see our bill passed.

And I represent a city, Memphis, Tennessee, that is the transportation and distribution center of America. Transportation jobs are extremely important to the city of Memphis.

It's been 958 days, nine extensions, nearly 3 years since the last surface transportation bill expired. The Keystone proponents insist this language be in this transportation bill, which is language, if it's anywhere, should be in an energy bill, not a transportation bill. But by doing so, they will end the hopes of transportation workers throughout this country, let alone Memphis, to have a transportation reauthorization bill passed. We will, instead, have a 10th extension and even more uncertainty in the transportation business.

The Senate's made it clear they're not going to accept the bill with the Keystone pipeline extension and so has the President of the United States, the same President of the United States who allowed the extension, the southern extension of the Keystone XL to go through. He's not against pipe lines. He's not against oil. But he's against this one because it hasn't gone through the proper processes. And at that time, he'll make a decision, pro or con. But it needs to go through the proper processes, so we don't need to defeat the scientific judgment and environmental studies that are necessary before we approve a pipeline.

But what's happening is the proponents of the Keystone pipeline are paying homage to their patron saint, their patron saint, Big Oil. What Big Oil wants, Big Oil often gets. And it's Big Oil, not the people of Canada, our friends with the hockey pucks, our friends who have got a long-time good relationship with this Nation. It's Big Oil that will make the profit and control the oil. And Big Oil wants to sell it where they will make the most profit.

There is a greater demand in this world for oil than ever before because of a burgeoning middle class in China and India and other parts of this world where people are starting to get cars and need gas to drive those cars. Because of that, the price of oil has gone up.

While the middle class in America has shrunk, the middle class around the world has grown, and they want that oil, and that's where it's going to be sold. It doesn't have to go to Port Arthur, Texas, to go to other places. But it's going to be sold on the international market where it gets the best price for the oil companies who are already getting great tax breaks from this Congress, and that won't help the American people one iota.

The fact is we need to end our addiction to Big Oil. We need to get away from fossil fuels, and we need to think about the next generation.

James Hansen, a leading NASA climate scientist, has called the pipeline the fuse to the biggest carbon bomb on the planet. Game over. Give up future generations. Forget the flora and the fauna. Forget what we've known in the past.

But the real issue besides that is this is just not relevant and pertinent to this bill. What's important is that we pass a reauthorization bill that builds our highways, improves our transportation system, gets more people into buses, finds alternative forms of energy, has bike lanes and encourages people to get around without burning fossil fuels, and gets our transportation bill passed and puts people to work.

It's the best thing we could do for the economy is to pass the bill. And the conferees' suggestion that the Keystone pipeline be kept alive as an issue just keeps the passage of this bill further down the road, keeps American workers unemployed, keeps commerce stalled.

We need to not approve this recommendation. I ask us to vote ''no.''

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

Mr. Speaker, some have said that because we are inextricably part of a world market, because we consume more than we produce of this vital commodity that, therefore, we cannot legislate ourselves an island in this process; and since we both produce and consume and produce and export, therefore it follows from that that virtually anything we can get, any new source of conventional energy that we get is going to be a mere conduit, a pass-through to somebody else and a loss to us.

I'd like to point out that we produce in this country some 12 million barrels a day. We export some 2.9 million to 3

million barrels a day. So there's both oil being produced in this country and exported, for a net annual production on a daily basis of 8.8. It does not follow from that that any new sources of energy that we get are going to flow right through this country someplace else. In fact, a study commissioned by the Department of Energy addressed the dynamic effect of limiting our access to unconventional sources of this energy in Canada and allowing that energy to go someplace else.

And a study compiled for the Department of Energy pointed out what the perverse effect of this would be. If we deny ourselves access to this new source of Canadian oil, what will happen is it will go to other countries. And who will fill the gap? Middle Eastern and African OPEC countries will actually increase their shipments to this country. We'll become more dependent upon imports from folks that we don't want to rely upon if we deny ourselves access to those folks we do want to rely upon.

In the words of the study commissioned for the Department of Energy, they would displace, the Canadian oil crudes would be lost to the U.S. market and go instead to Asia. They would displace the world's balancing crudes, Middle Eastern and African, predominantly OPEC grades, which would in turn move to the USA. The net effect would be substantially higher U.S. dependence on crude oils from those sources, the sources we want to wean ourselves off of.

Finally, along this line, it's been said that because we're describing conditions in ordinary terms when the markets are working as we hope they will and as they should, we need to remember, we need to bear in mind there's always the possibility the world market will fail us.

I'm old enough to remember a time in this country's history when we were embargoed. First, in 1973, because we came to the aid of our ally, Israel, in response to the Yom Kippur War, we were embargoed by the OPEC oil countries. Folks who supply a little more than a third of our imports today, at that time, cut us off completely. It happened before. It did happen again in 1979. We were embargoed a second time in the same decade.

We need to bear in mind that while we're concerned about market conditions and the ebb and flow of product and consumption in ordinary times, we also have to gird ourselves for the possibility that we can be embargoed by our current vendors. And against that backdrop, access to North American oil, in time of emergency, can have a far greater impact on our economic and national security at that time than the conditions we're talking about and arguing about now in the ordinary course of events.

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

Mr. WHITFIELD. I reserve the balance of my time.

□ 2010

Mr. WAXMAN. Mr. Speaker, may I inquire as to how much time each side has?

The SPEAKER pro tempore (Mr. CHAFFETZ). The gentleman from California has 5 minutes. The gentleman from Georgia has 8½ minutes. The gentleman from Kentucky has 8 minutes.

Mr. WAXMAN. Before I yield to Mr. RUSH from Illinois, I just want to make a comment.

We need to get ourselves off of our dependence on oil whether it is from the United States or overseas; and if we go along with this pipeline, we are increasing our dependence on a very, very dirty oil that is going to use up a lot of carbon just to be able to get it into a State where it can be sent down that pipeline.

I am pleased now to yield 3 minutes to the ranking member and, hopefully, the next chairman of the Energy Subcommittee, the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I want to thank the ranking member of the full committee for recognizing me.

Mr. Speaker, I rise in opposition to this motion to instruct. A mandatory approval of the Keystone XL pipeline does not belong in our transportation bill. This provision jeopardizes the entire transportation bill and all of the American jobs that the transportation bill will provide and produce.

The southern portion of the Keystone XL pipeline from Oklahoma to the gulf is already moving forward with the President's support, but the northern portion does not yet have a final route through the State of Nebraska. President Obama has made it clear that he will not short-circuit the normal approval process and deprive the American people of their opportunity, their right, to have input just to benefit a foreign company and foreign interests.

As it stands now, it is very unclear if this project would benefit the hard-pressed communities of this Nation, such as the one that I represent, with jobs and contracts and other economic opportunities that we have been hearing so much about and that has been bandied about by the proponents of this pipeline. We desperately need jobs and contracts and economic opportunity, but we have no guarantees that this XL pipeline will produce the same.

So, regardless of whether you believe this pipeline should be built or not, including the Keystone XL pipeline approval—mandatory approval, I might add—in the transportation bill, which the President already promised he will veto, it may not necessarily further the pipeline, but it may doom the same. It may doom the entire transportation bill.

If you care about American jobs, then the number one priority should be to pass the transportation bill all by itself. Pass the transportation bill to create and preserve American jobs for the American people. Don't burden the jobs-producing transportation bill with extraneous gimmicks and extraneous gestures. The passage of this motion to instruct conferees will be a stumbling stone for Keystone.

Mr. WHITFIELD. May I ask who has the right to close?

The SPEAKER pro tempore. The gentleman from Georgia.

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

First of all, I want to thank the gentleman from Georgia for introducing this motion to instruct as I think it is for the benefit of the American people. Yet, having said this in many hearings on this subject, I really am puzzled as to how people can be opposed to the Keystone pipeline.

Many people have come up today who have been opposed to it, and they've talked about the necessity for jobs. The Keystone pipeline will create many jobs. As a matter of fact, we know that oil from the oil sands in Canada is already coming to America. There are over 1,000 American companies today supplying goods and services to Canadian oil sands and pipeline companies.

Just to give you an example, with regard to Caterpillar, which makes the 797—the world's largest truck—the engines are made in Indiana; the cab is fabricated and installed in Illinois; the frame component is cast in Louisiana; and the Michelin tires are made in South Carolina. That's just one. I could go through here and list a multitude of companies from which jobs are being created because of the oil sands, and only more will be created if we can build this new pipeline.

People say, Oh, you're going to export all this oil. Well, I genuinely believe that is a red herring. The Department of Energy, itself, did an analysis of this and said, if any oil were exported coming out of Canada, it would be a very minute amount. Yes, we do export some petroleum products now, but no one can honestly say—and no one has ever heard—that we intend to export the majority part of this oil, not even close to it. So I think that is a red herring.

I might also say that there was a moratorium on the Transatlantic pipeline in Canada from exporting oil. We found out that, when that happened, oil production in America went down because companies decided, well, the prices are down, and we're not going to be able to export any. Then President Clinton lifted that moratorium. So I think the gentleman from Massachusetts, in making this argument of, ''Oh, we've got to prevent export'' is a red herring.

There are a lot of pipelines already in America. On the average, they were studied for 18 months before they were approved. This pipeline has been studied for 40 months. I might also say that the Pipeline and Hazardous Materials Safety Administration has put together 57 additional safety measures for this pipeline that are not on other pipelines. This would be the safest pipeline built in America.

So we have the ability here, if the President would simply approve it, of building a pipeline that will bring 830,000 more barrels of oil a day to America. I still believe in supply and demand. If supply goes up, prices go down, and I think that we all recognize that. Yet President Obama received a final environmental impact statement from the State Department.

That environmental impact statement said, between the option of building this pipeline and not building this pipeline, the preference would be to build the pipeline.

That's why we all were so shocked. It's because, after that, we thought the President would approve this pipeline. But what did he say?

I don't want to make a decision until after the Presidential election.

Now, I'm not going to put words in his mouth, but I'm assuming he was concerned about the environmental groups, and that's fine. Yet to deprive the American people of approximately 20,000 new jobs directly in building the pipeline, additional jobs like Caterpillar that would be selling more products to the Canadian companies where the oil sands are being produced—the oil is being produced in the oil sands—really makes no sense.

This is a safe pipeline. It's 1,700 miles long. Only 60 miles of this pipeline route was suggested to be changed, which was in Nebraska, and the Governor of Nebraska and the legislature in Nebraska agreed with the change.

□ 2020

They've basically signed off on this. So I am puzzled by why anybody would be opposed to it. More oil, more jobs, less dependent on Middle Eastern oil. Yeah, we all would like to be less dependent on oil, but I tell you what, there are not enough electric cars in America to provide the necessary transportation that we need, despite the millions of dollars from President Obama's stimulus funds into the production of it.

The reality is we need oil. We have an opportunity to do it here, to create jobs. I think the perfect place for this to be considered is in the transportation bill because we're talking about transporting oil for America to be less dependent on Middle Eastern oil.

I would urge everyone to support the gentleman from Georgia and his motion, and I urge everyone to vote in favor of it.

I yield back the balance of my time.

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

Those of us who are speaking on this motion to instruct the conferees are from the Energy and Commerce Committee, not the Transportation Committee, which developed the fundamental underlying bill to which this pipeline issue has been attached. The transportation bill provides an enormous amount of money for people to have jobs building the roads, mass transit, other kinds of transportation systems, and that all will be stopped if we don't renew the transportation bill itself.

The Senate, on an overwhelming bipartisan basis, got together and passed a transportation bill. The House wasn't able to do that. We were passing short-term extensions of existing law until we passed something to go to conference, and we're now in conference. So the motion is to instruct the conferees to take the House position on this pipeline issue.

The problem with it is the President has said he'll veto the bill. He'll veto the transportation bill if the pipeline provision is in it. He said it because he feels it needs to be reviewed before the decision is made on whether to allow this pipeline to be built. I don't consider that unreasonable.

What's really going on here is the Republicans want to stick it to the President. This is all politics. They want to make the President have to veto the bill, and then they'll say he vetoed the bill, how outrageous it is.

Let's not play politics. Let's reject this motion to instruct.

I yield back the balance of my time.

Mr. BARROW. Mr. Speaker, I yield myself the remaining time.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 8½ minutes.

Mr. BARROW. Mr. Speaker, I encourage the conferees to include approval of the Keystone XL pipeline. It will get Americans back to work. And while we're developing the alternative energy sources of the future, it will reduce our current dependency on purchasing oil from countries that don't share our values.

I understand the reasons why some folks are opposed to any new and unconventional sources of traditional energy that we rely on. The argument essentially is: More of the same means we'll increase our dependence upon a dirty source of energy. It will increase our dependence upon oil as the basic feedstock for transportation energy in this country.

Mr. Speaker, you can't increase your dependence beyond 100 percent. We are 100 percent dependent upon oil and its byproducts for the transportation energy in this country. Unlike the energy we get out of the walls or off the grid or out of the light sockets, a whole bunch of different energy feedstocks go into that basic energy commodity—some of it's coal; some of it's natural gas; some of it's nuclear, like the plants we're building in my district at Plant Vogtle; some of it's wind and solar.

We've got a lot of different energy feedstocks that go into the wires and we utilize in every other way. But the transportation energy in this country that we use to push all of our trucks, all of our cars, and all of our tractors, it all comes from oil. We've got all of our transportation eggs in one energy basket.

You can't increase your dependence anymore than 100%. That's where we are. I understand that's what people's concerns are. But I think Secretary Clinton summed it up conclusively just a year and a half or so ago back in October of 2010 at a conference. Secretary of State Clinton was quoted as saying:

We're either going to be dependent on dirty oil from the Persian Gulf or dirty oil from Canada until we can get our act together as a country and figure out that clean, renewable energy is both in our economic interests and in the interests of our planet.

Until we do that, we're going to be getting our oil from one source or the other. As for me, as between the Persian Gulf on the one hand and Canada on the other, I choose Canada.

Meanwhile, I am optimistic about the future of alternative, clean sources of energy, and I want to wean us off the use of foreign oil as much as anyone in this building. But we aren't there yet, we're not there now, and we're not going to be there in the foreseeable future. For as long as oil is our primary source of transportation energy in this country, we can't take it for granted, and we can't pretend that making it more scarce, or what's the same thing, making it more expensive is going to hasten the day we're no longer relying upon it just because we don't like it.

Mr. Speaker, the folks that I represent expect us to vote for jobs and for energy security. We have an opportunity to do that with the transportation bill. I urge my colleagues to support the motion to instruct and to send that message loud and clear to our conferees.

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

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

The question is on the motion to instruct.

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

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

The yeas and nays were ordered.

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

Mr. RAHALL. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

Mr. Rahall moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to agree to sections 1528, 20017 (to the extent that such section amends section 5323 of title 49, United States Code, to provide subsection (k) relating to Buy America), 33007, 33008, and 35210 of the Senate amendment.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from New

York (Mr. HANNA) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

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

My motion is simple. It instructs the conferees to seize the opportunity to create more American jobs and to revive American manufacturing by closing loopholes in Buy American laws.

The House-Senate conference committee is seeking to resolve differences on the surface transportation reauthorization bill. But one thing we should be able to agree on right now is that every taxpayer dollar spent constructing highway, transit, and rail projects should help create jobs in America and not overseas.

American workers are still struggling to find work as our economy slowly recovers from the worst economic recession since the Great Depression. The construction and manufacturing sectors have been particularly hard hit. More than 56,000 U.S. factories have closed or moved overseas in the last 10 years, and 90,000 more manufacturing firms, most of which are small businesses, are at risk of going out of business.

Today, more than 2.2 million construction and manufacturing workers remain out of work. I have pleaded again and again that we must enact a well-funded, long-term surface transportation bill immediately and not let another construction season dwindle while Congress dawdles.

□ 2030

We must find common ground, and we must find it fast. As part of that effort, one area where I hope we can all agree is ensuring that the investments we make with this bill will be spent on projects that are stamped ''Made in America.'' We have the capability, the capacity, and the workers ready to get the job done here at home. Unfortunately, we are currently giving these contracts and these high-skilled jobs away to foreign manufacturers and workers.

This motion to instruct directs House conferees to adopt several bipartisan Senate provisions to strengthen the Buy American provisions. The other body adopted these noncontroversial, commonsense Buy American provisions by voice vote and without a word of opposition.

First and foremost, the Senate Buy American provisions close existing loopholes that allow highway, transit, and rail projects to be subdivided into separate contracts, meaning Buy American rules no longer apply to most of the work. The most glaring recent example—and we've all heard about it—of project segmentation is California's Bay Bridge project, connecting Oakland to San Francisco.

Even though more than $320 million of Federal aid highway funds were spent on the Bay Bridge project, the project was divided into 20 separate construction projects. As a result, 343,000 tons of steel for the project were manufactured in China by a Chinese State-owned company that had no prior bridge-building experience—no prior bridge-building experience, employed 3,000 workers on the project, including welders, polishers, and engineers. These workers could be American workers, with our engineers designing the bridge and our workers welding the girders on our steel manufactured here at home and guaranteed to be much safer.

The Senate Buy American provisions also ensure, through robust notice and comment requirements, that U.S. companies will know of potential waivers to the Buy American law before the U.S. Department of Transportation grants the waivers. This process will enable these companies to assess whether they have an American-made product that can be used in the project. And that is what this motion is all about, ensuring that American workers and companies get a fair shot.

Last year I introduced bipartisan legislation, H.R. 3533, the Invest in American Jobs Act of 2011, to strengthen Buy American. The bipartisan Senate Buy American provisions incorporate many major provisions from this legislation.

Although I believe that we can do even more to strengthen Buy American, particularly in the area of public transportation, the bipartisan Senate Buy American provisions represent a good start. We will hear from some of our friends across the aisle that we should let the conference committee work its will. But let's be honest with ourselves: a vote against this motion is a vote to continue to send jobs overseas, to continue to weaken our economy, to continue to allow our foreign competitors to reap the benefits of rebuilding our Nation with American taxpayer dollars.

Mr. Speaker, we have a responsibility to U.S. taxpayers to ensure that the investments we make in our Nation's transportation and infrastructure truly help rebuild America—our infrastructure, our companies, and our people.

I urge adoption of this motion, and I reserve the balance of my time.

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

This motion, offered by my friend, the gentleman from West Virginia, instructs conferees to the Surface Transportation reauthorization conference to agree to several provisions in the Senate bill relating to Buy American requirements. These Senate provisions will expand Buy American requirements for the Federal highway program, the Federal transit program, and for Amtrak.

It is important to note that this is a nonbinding procedural vote. A vote for or against this motion does not impact the outcome of the conference negotiations. However, it's also important to note that time spent preparing and debating this motion would have been better spent at the negotiating table.

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am honored to yield 2 minutes to the gentleman from New York (Mr. BISHOP), a very valued member of our Transportation and Infrastructure Committee.

Mr. BISHOP of New York. I thank Ranking Member RAHALL for yielding and for his leadership on this issue and his leadership on the Transportation and Infrastructure Committee.

Mr. Speaker, I support this commonsense motion to put America back to work by preventing the harmful outsourcing of American jobs. The U.S. is still recovering from the worst recession since the Great Depression. The manufacturing and construction sectors have been particularly hard-hit. In the past decade, more than 56,000 U.S. factories have closed or moved overseas. An additional 90,000 manufacturing firms are at risk of going out of business. More than 2.2 million construction and manufacturing workers remain out of work.

This motion to instruct directs conferees on H.R. 4348 to address important loopholes in Buy American laws in order to create more American jobs. Provisions contained in the Senate amendment to H.R. 4348 will help ensure that all steel, iron, and manufactured goods used to construct highway, transit, and rail projects are produced in the United States. By closing loopholes, these provisions will make certain that projects financed by U.S. taxpayers will be made in America, with jobs in our communities, not outsourced overseas.

This motion to instruct directs conferees to adopt several Senate Buy American provisions that would prohibit project segmentation on certain projects, require public notice and comment on waiver requests, require review of longstanding waivers, and require an annual report on waivers. I think that reasonable people would agree that this isn't too much to ask for projects that are paid for with U.S. taxpayer dollars.

Federal transportation dollars should not be used to outsource American jobs. It doesn't make sense. It isn't right. I urge my colleagues to support this motion to instruct conferees.

Mr. HANNA. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. I thank the gentleman from New York (Mr. HANNA).

I rise in opposition to this motion to instruct. The motion to instruct would add to already stringent Buy American provisions in American law that apply to highway, transit, Amtrak, and inner city rail projects, making them unworkable in our increasingly globalized economy.

I know this is well-intentioned. But too often in Washington, what some hope a bill will do, in fact, it does just the opposite. I know that many Members see the term ''Buy American'' and think they should automatically be in

support. I understand that. I can certainly see justification for some Buy American provisions, and we already have that in law today. These are longstanding rules that are manageable for our American job creators and aligned with our international standards.

However, ''Buy American'' doesn't actually mean what it appears to mean. This motion to instruct would actually have the opposite effect, undermining America's transportation, infrastructure, and development as well as America's competitiveness and job growth. Instead of providing surefire markets for our local companies, goods, and services, this motion to instruct would actually backfire. The result will raise costs for American taxpayers, delay American projects, and burden American businesses that could, instead, be focusing on creating jobs in the struggling economy. And it conflicts with our goal of making the United States the most competitive country in the world.

I also want to insert into the RECORD two letters, one from the U.S. Chamber of Commerce, which is representing 3 million businesses in America, and another from the Emergency Committee for American Trade, local companies that employ over 6 million workers, both opposing this motion to instruct.

Let's explore the reasons why I urge my colleagues to oppose this motion. First, it will increase costs for transportation projects by requiring that local content requirements apply to more projects by making waivers from these local requirements much more difficult.

□ 2040

That means that few transportation projects can be undertaken to fix our aging infrastructure. This is not the time to impede strategic investment in American infrastructure, which holds the key to U.S. economic competitiveness and prosperity.

Second, a misplaced requirement to ''buy local'' would hurt American companies, undermine their competitiveness, hamper their innovation and productivity, and prevent them from participating in bidding for transportation projects due to their increasingly global supply and production chains.

As we all know, many products that American companies build will sometimes have parts from other parts of the world, mainly so they can compete against other products in the world. Take, for example, a store from back home in Texas, where a Canadian manufacturer of PVC pipes and fittings was advised by its distributor in California that the contractor, who had used its fittings on sewage pipes installed at Camp Pendleton, was being asked to remove the fittings from the ground and replace them with a similar product from an American competitor.

So far, it sounds good. The problem is the Canadian manufacturer purchased most of its plastic resin inputs to make those fittings from Texas-based companies—from American companies in Texas. That meant that Buy American restrictions prevented our local companies from being able to export their product to Canada and sell it as part of an overall project in California. It was an overall lose-lose situation for everybody.

In short, more stringent Buy American provisions actually make it harder to sell American because of the realities of how products are built these days. These provisions will prevent American companies from being able to sell inputs—their products—to foreign companies, who then go after government contracts. It may sound attractive to cut foreign companies out of the procurement market, but don't forget about the thousands of American companies and millions of American workers who stand behind them and depend on them.

Third, tightening Buy American restrictions also sends a message to our global competitors that it's all right for them to enact more barriers against American goods and services when they're selling and buying procurement in their home market. In fact, all over the world—in countries like China, India and Brazil—local-content rules in a variety of industries are popping up to block American companies from selling into there.

In justifying those restrictions against our American companies, these countries often point to Buy American provisions and argue that what they're doing is just the same. Well, this dynamic has the effect of stopping American businesses and their workers from competing in vast foreign procurement markets around the world, resulting in billions of dollars lost to America and to our opportunities to sell our products overseas.

Fourth, such measures also make the United States a less attractive market for foreign-based companies that employ millions of hardworking Americans here at home. Expanded domestic content requirements send precisely the wrong signal, as America seeks to reverse the trend of declining foreign investment into America, which creates products and companies and jobs here in America.

And, fifth, tightening the Buy American restrictions could also leave the United States vulnerable to World Trade Organization litigation and retaliation based on what our obligations are under the WTO government procurement agreement.

Overall, stricter Buy American provisions undermine the American Government's ability to buy the highest quality goods and services at the lowest cost to us, the American taxpayers. It makes it more difficult to maintain policies consistent with our obligations around the world, and it blocks our ability to show our trading partners they need to open their procurement markets to American goods and services, and at the same time they hurt U.S. companies that are trying to find customers for their products and services.

I understand how politically appealing these measures can be; but when they backfire against American companies, when they backfire against American workers, you don't read much about it, but it costs these workers their livelihood. Frankly, it takes American companies competing here at home and around the world out of the picture.

At a time when we have a struggling economy, after the stimulus, after all the bailouts, after all the Cash for Clunkers, deficit spending, we actually have fewer Americans working today than when the President took office. Now is not the time to hurt more American workers, drive up the cost of these projects, delay them further, and ultimately hurt our ability to compete and sell around the world. No matter how politically appealing, this makes no economic sense for America.

For all these reasons, I urge my colleagues to vote ''no'' on this motion.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, May 17, 2012.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, urges you to oppose the Rahall Motion to Instruct on the Highway Extension Conference Report that would expand requirements that projects be built with U.S. steel and other goods—otherwise known as ''Buy America'' provisions.

The Rahall motion would impose costly and burdensome contracting obstacles upon federal, state, and local entities that receive funding under the surface transportation bill. Passage of this motion would have the unintended consequence of increasing costs and delaying much-needed infrastructure reinvestment, thereby resulting in fewer transportation projects being funded.

While the ''Buy America'' sentiment may sound appealing, the reality is quite different. As the U.S. already imposes significant ''Buy America'' contracting requirements, the Rahall motion would undermine American job creation and competitiveness, and would undercut Congress' goal of ensuring that transportation funds are spent in the most efficient and cost-effective manner possible. There is no need to expand ''Buy America'' provisions and doing so would be highly counterproductive, particularly for industry sectors hard hit by the recession.

The Chamber opposes the Rahall Motion to Instruct and urges you to vote against this effort to expand ''Buy America'' provisions.

Sincerely,

R. BRUCE JOSTEN.

EMERGENCY COMMITTEE
FOR AMERICAN TRADE,
Washington, DC, May 17, 2012.

DEAR REPRESENTATIVE: We are writing to express our strong opposition to the Rahall Motion to Instruct Conferees to accept certain Buy America expansion provisions included in the Senate Amendment to H.R. 4348, the Surface Transportation Act/Moving Ahead for Progress in the 21st Century that would substantially expand ''Buy America'' provisions for transportation projects in ways that will undermine infrastructure development, and American competitiveness and job growth.

Founded in 1967, ECAT is an organization of the heads of leading U.S. international business enterprises representing all major sectors of the American economy. Their annual worldwide sales exceed $3 trillion and they employ more than 6.4 million persons. ECAT's purpose is to promote economic growth through the expansion of international trade and investment.

As you know, the United States maintains robust domestic preference (e.g., Buy America) provisions in U.S. law, with particularly strong provisions related to transportation projects. These provisions provide strong preferences for the use of U.S. products and only permit the use of foreign goods from those foreign governments that are members of the World Trade Organization—Government Procurement Agreement (or similar provisions in trade agreements) where foreign governments open their procurement markets to U.S. goods, and for limited cost and availability, or public interest reasons. Those exceptions are vital to enable the U.S. government to procure effectively and efficiently in the public interest and to avoid price increases that will undermine procurement that would otherwise occur without a competitive marketplace.

The importance of maintaining balance in U.S. Buy America rules is more important than ever. U.S. companies are increasingly engaged in international supply and production chains that use inputs from overseas, which enhance their competitiveness and the ability to manufacture and sustain and grow jobs in the United States. With tight fiscal constraints, the United States and state governments need to procure in the most efficient and cost-effective manner.

The Senate amendments, if adopted, would undermine U.S. infrastructure development, reduce competition, and restrict the United States' ability to acquire the best goods, services, and technologies at the best value for U.S. taxpayers.

Equally concerning is the impact that such Buy America expansions will have on U.S. companies seeking to expand their sales to burgeoning foreign procurement markets, where other governments are likely to retaliate with their own limits on U.S. participation in foreign procurements, shutting U.S. companies potentially out of hundreds of billions of dollars of new procurements overseas.

The Senate provisions that the Rahall motion would seek to include in H.R. 4338 would create costly and time-consuming obstacles to the waiver process and limit procurement flexibility of local governments, thereby expanding the application of Buy America provisions. Such proposals are unnecessary and counterproductive to efforts to promote infrastructure development and improve America's international competitiveness. Such proposals also send the wrong signal to other countries that will use buy national provisions like this to justify increasing the exclusion of U.S. goods and services from their own infrastructure projects.

We share your strong interest in strengthening America's infrastructure and promoting greater economic growth. We strongly urge you, therefore, to oppose the Rahall Motion to Instruct Conferees on adopting of restrictive Senate Buy America provisions that will undermine the goals of this legislation and its ability to stimulate U.S. growth.

Respectfully,

CALMAN COHEN,
President.

Mr. RAHALL. Mr. Speaker, I am very proud to yield 3 minutes to the gentlelady from Ohio (Ms. SUTTON), who's been a real stalwart and real fighter for Buy American provisions and American jobs.

Ms. SUTTON. I thank the gentleman for yielding, and I thank him for his leadership.

Mr. Speaker, I rise today for the laborer and the steelworker. I rise today for the small business owner and the working family. I rise today to support this motion to instruct because we should all rise and we should all strive to support our working families and create jobs right here in this country.

We know that one way to do that is to ensure that the money we spend to rebuild and strengthen our transportation and infrastructure, if we spend it here, it leads to jobs here. If we invest in American iron, steel, and manufactured goods, we are investing in the people who produce those products.

While it's easy to stand up here on the floor and talk about the need to support our workers and create jobs, this motion takes those words and turns them into action. By closing loopholes and strengthening Buy American provisions, we come one step closer to ensuring that every American taxpayer dollar spent on transportation and infrastructure will be spent on an item proudly stamped: ''Made in America.''

Last year, I was proud to introduce the American Jobs First Initiative, a series of four bills to strengthen Buy American laws and level the playing field for American manufacturers and workers. I introduced them, Mr. Speaker, because every day I hear from Ohioans who are ready to get back to work. Every day I hear from Ohioans who just want a chance at a good-paying job and a slice of the American Dream. And every day I hear from Ohioans who want this Congress to act to make sure that when their taxpayer dollars are being used, that we will use American iron and steel and manufactured goods to build that infrastructure.

This is our chance, Mr. Speaker. Vote ''yes'' on this motion to instruct. Vote for jobs. Vote for working Americans. And vote to give our constituents a fair chance at the American Dream.

Mr. HANNA. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Connecticut, Mr. CHRIS MURPHY.

Mr. MURPHY of Connecticut. Thank you very much, Mr. RAHALL.

I rise in support of this motion to instruct. Over the past year, the President and Democrats have proposed a series of measures to spend a little bit of money to put people back to work, to spend some money to educate our kids, to build some new schools, to expand broadband. Every single one of those efforts has been met by resistance from Republicans. I realize why that is. The argument is that we don't have any more money to spend. I get that argument. What I don't get is the argument against this motion.

What this motion says is that forget spending new money. Let's just make sure that the money that we are already obligated to spend is spent on American jobs. No new money. Let's just redirect the money that we're spending on bridges, on roads, on railways, and make sure that it gets spent on U.S. companies.

It's wrong to suggest that we're talking about dramatically ratcheting up Buy American standards such that we're going to ignite some trade war with WTO companies. That's not what we're talking about here today. Buy American laws have been on the books for generations. What we're talking about is just bringing Buy American standards back to what they used to be.

The fact is that we have blown hole after hole after hole in Buy American, in part because the Chamber of Commerce, which opposes this motion to instruct, thinks it's a good thing for big multinational companies who bid on a lot of this work to be able to take big chunks of it overseas where they can drive down the cost to them and keep a bigger differential of the contract.

□ 2050

Let me give you an example of these loopholes. One loophole is a provision that allows you to segment a contract into all sorts of small, little pieces. When you segment that contract into small pieces, each one of those pieces can result in the amount of the particular contract being so small that it doesn't qualify for Buy American.

Well, on one particular bridge contract in San Francisco, by segmenting out the contract and getting around Buy American, we lost 43,000 tons of steel to a Chinese steel company. American jobs lost.

When you allow for every country that signs a trade agreement to be exempt from Buy American, this happened. Guess what? Today we make our dog tags on a European-made machine simply because the country that makes it is exempt from Buy American, and they bid 4 percent less than the American company did. American jobs lost.

We win when we enforce Buy American because what happens is a company gets a contract. They subcontract with other American companies, and the ripple effect of that one initial contract multiplies jobs times three throughout the economy. Every time we send a contract overseas, yes, it may save that particular bid 3 or 4 or 5 percent. But when we lose that job here in America, when we have to start paying unemployment compensation, when we lose the taxes to the Federal Government, when that unemployed worker's kids need to go on Medicaid, guess what? That 3 or 4 or 5 percent disappears overnight. Let's pass this motion to instruct.

Mr. HANNA. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am happy to yield 4 minutes to a very valued member of our Transportation and Infrastructure Committee, the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I rise in support of the motion to instruct offered by my good friend, the ranking member of the Transportation Committee, Mr. RAHALL. Mr. RAHALL has been a true advocate for the American worker, and certainly for our Nation's transportation system. He understands the key importance of not only passing this bill, but making sure that this bill is putting Americans to work.

This Congress, I have been working to improve Buy American requirements through my Buy American Improvement Act. Mr. RAHALL introduced the Invest in American Jobs Act of 2011. Unfortunately, we have been unable to move either of these bills here in the House, and we were unable to include language in the House version of the bill that we worked on in committee. But over in the Senate, they came to a bipartisan agreement to include these important provisions in the bill, including prohibiting the segmentation of transportation projects, guaranteeing transparency and opportunities for public comment on requests for waivers to Buy American provisions, requiring longstanding waivers to be reconsidered, and requiring DOT to report annually on the waivers it grants.

Now why is this important? It's important because all too often there are loopholes that are either purposely used in order to get a product from overseas, or sometimes just simply overlooked.

I had an issue with a contractor, a defense contractor in my district, who lost a job, lost a bid to make a product to a South Korean company. They knew that the law was not followed. But far too often, someone who has a product to offer, someone who has a product that can be used in a transportation project, does not even know that they were passed over. It's critical that we put this Senate language in the final bill, the conferees do that, so we can know when an American company can do the job, and we get that to American workers.

If we ensure that all of the iron, steel, manufactured goods used in Federal highway, transit, and railroad projects is produced in the United States, it creates jobs for American manufacturers and stops needless outsourcing. In addition, by closing loopholes, those provisions will guarantee that when projects are funded by U.S. taxpayers, they will be made by American workers and create American jobs instead of being outsourced overseas.

There's a reason that the Chinese insist on ''Buy Chinese,'' just as India insists on ''Buy Indian,'' and Brazil on ''Buy Brazilian.''

We're here to say that we need to do the same thing, to send the message that U.S. taxpayer dollars should be spent in the United States, not in China, not anywhere else.

These are provisions our country needs now more than ever. The American taxpayer funds for transportation should be used to create American jobs. It's just common sense. If you go home, any of us, we go home and we talk to our constituents, they understand it. They know that it's common sense. Unfortunately, it's far too infrequent that we do what is common sense here.

The Senate managed to do what is common sense and put in important, key Buy American provisions in their version of the transportation bill. The conferees should accept that Senate position, that bipartisan position, the commonsense position, and make sure that we get this transportation bill passed as soon as possible and make sure that those taxpayer funds are used to put Americans to work, not to be outsourced.

I urge my colleagues to support this motion.

Mr. HANNA. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from West Virginia has 14½ minutes remaining, and the gentleman from New York has 21 minutes remaining.

Mr. RAHALL. And do I have the right to close?

The SPEAKER pro tempore. Yes.

Mr. RAHALL. I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the ranking member of the Transportation Committee, and I thank him for his leadership.

Many Members have firsthand experience in addressing some of the angst of our constituents, whether it's in West Virginia or in the State of Texas, California, Ohio, maybe even Utah. We recognize that we have an obligation as part of the international family to engage in trade. That it's part of the economic fabric of this construct in which we work together.

But Mr. RAHALL's motion is both instructive and vital. For those who have had the opportunity to receive most recently Federal transportation dollars, the city of Houston has waited a mighty long time. But in the course of doing that, unfortunately, over two decades of trying to secure funding for a light rail project, we have seen the steel industry in America decimated.

The story of the San Francisco bridge is not only tragic, it is with great sadness that one would lose jobs and opportunities because of the way that particular project was bid.

It is no insult to China for America to stand up and demand that we Buy American. It is no insult to our other allies for, Mr. Speaker, that is what everyone does.

This motion creates an even playing field in a new world matrix where every man and every woman on the international field of trade is for themselves. Let me tell you the story of dealing with Federal funding. I've made every effort to press for the building of railcars. We don't make railcars. What we have are companies that are based here in the United States, owned elsewhere, but are based here and therefore they make these particular railcars in the United States. That's at least halfway because it does create jobs. I frankly believe that if we are giving Federal funding, those same companies should try to relocate the rail-making process in the area where the light rail or the rail system is going.

The prohibiting of the segmentation of highway transit and Amtrak projects is brilliant because what it does, again, it creates an even playing field for the construction companies, for those who are in essence experts on making the aspects of highway and transit, and allows them the even playing field of bidding.

□ 2100

To require opportunities for public notice is crucial to give our companies an even playing field. Why should we be ashamed of trying to rebuild manufacturing, to try to put life back into the steel industry, because nothing is ever final until you make the effort to do so.

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

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

Ms. JACKSON LEE of Texas. This gives us the opportunity again to match what is being done in other countries. There will be American companies that will tell you that bribes are passed, while they are trying to negotiate, by others trying to do business overseas.

I had a constituent in my office today that said that they engaged with a Korean company. They went in with an agreement; they had a signed agreement. They gave them their intelligence and proprietary information. They said that we will match this and do this together. When they got to the endpoint, that Korean company said, well, we've got to go out for bid, when they had been promised, the American company, that that would not be the case, that they would be partnering all the way.

Mr. Speaker, let me tell you what the final results were. The Korean company didn't go out for bid. They took the proprietary information and they did the job themselves—never did this kind of work, don't know how to do the work, but the American company was left out the door. Not exactly fitting what Mr. RAHALL is saying, but as an example of why we have to match the kind of intensity on the international arena. We have to match it by protecting American companies.

I would say that this is an important, vital motion to instruct, and I want Federal dollars to be utilized for American companies. I believe this is the right approach to Buy American.

Mr. HANNA. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I'm ready to close if the gentleman is ready to

yield back his time or close himself first.

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

Mr. RAHALL. Mr. Speaker, in conclusion on this motion to instruct, let me just say that the motion is in support of the Senate Buy American provisions.

The Senate-passed Buy American provisions are very similar if not exactly as the House Transportation and Infrastructure Committee adopted on a voice vote, which was offered by the gentleman from Minnesota (Mr. CRAVAACK) during committee consideration of what was then called H.R. 7. So the majority has accepted this language in committee deliberation, and yet they appear to be opposing it as it comes to the floor today in the form of a motion to instruct the conferees.

I would say also that that Buy American provision that is in the Senate-passed bill that this motion seeks to accept does allow for the Secretary of Transportation to provide for other than U.S. made when that product that is needed cannot be found in the United States of America or when it is truly cost prohibitive to make that product in the United States of America. So there is sufficient waiver authority provided in the Senate Buy American provisions to allow the Secretary of Transportation to do what is in America's best interest.

But most importantly, by adopting my motion to instruct—and in conference hopefully adopting the Senate Buy American provision—we're ending the most egregious loophole that is used to export American jobs, and that is the segmentation of contracts that allows companies to circumvent current Buy American provisions.

Let me say in addition that I was here for most of the previous debate on the previous motion to instruct on the Keystone pipeline, and I heard a great deal of support from that side of the aisle urging American-made energy. I certainly agree with that principle. I'm an advocate of all-of-the-above—as long as it's domestic—in our energy policy in this country. And, I might add, I'm a supporter of the Keystone pipeline and have so voted in previous votes in this body.

But now it comes to this motion to instruct conferees on Buy American, and I hear just the opposite from the majority side by their rather silent opposition, but nevertheless stated opposition, to this motion because while they're for American-made energy, they appear to be against American-made products using American labor and using the Buy American label on U.S. steel and other products used in our highway construction and transit modes in this country. So it seems to me rather contradictory what we're hearing from the majority side in the debate on these two motions this evening.

So as I conclude, let me say that this motion has truly wide-ranging support. I recognize that the majority has inserted the United States Chamber of Commerce opposition to this bill, and then at the same time I heard reference to the deals and the contractual relationships and the other alliances that our United States—supposedly—United States Chamber of Commerce has with other countries to build these projects, again shipping jobs overseas. So I wonder if it's truly the ''United States'' Chamber of Commerce that's addressing this issue.

But I will list those that are supportive of the motion to instruct. The Alliance for American manufacturing, the American Institute of Steel Construction, the American Iron and Steel Institute, the BlueGreen Alliance, the Committee on Pipe and Tube Imports, the Concrete Reinforcing Steel Institute, the International Brotherhood of Electrical Workers, International Brotherhood of Teamsters, McWane, Inc., Municipal Castings Association, National Steel Bridge Alliance, Nucor Corporation, Specialty Steel Industry of North America, Steel Manufacturers Association, the Transportation Trades Department, and the United Steelworkers of America are among just a few of the groups that are supporting this motion to instruct.

So, again, let me say this is about—and I will conclude now—American jobs. When it's made in America, Americans can make it, and we have too many Americans today that are not making it. They are near their rope's end. They're frustrated. They do not see Washington or the Congress of the United States as in any way addressing the real problems that exist out there in America and the real problems in their lives. They see us just passing the buck and continuing to argue among ourselves and appear to not agree on anything.

But this is something that we do agree on, as evidenced by the bipartisan manner in which this bill passed the other body—and we know how hard it is to get anything through that other body. But this transportation legislation did pass with over 70 votes in the other body—a rarity in this atmosphere today in Washington, but nevertheless something that happened. That's what we ought to be adopting here is looking at that bipartisan bill and following the other body's lead in this provision and in the entire bill itself.

So I conclude and urge Members to adopt this motion to instruct conferees.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON. Mr. Speaker, I rise to speak in favor of Congressman RAHALL'S Motion to Instruct Conferees to close the loopholes in the Buy America laws. By closing these loopholes, we can create more American jobs, and revive our domestic manufacturing base.

Our economy is still recovering from the worst economic recession since the Great Depression. Today, more than 2.2 million construction and manufacturing workers are still out of work. Let's use this opportunity to get them back to work.

Provisions contained in the Senate amendment to H.R. 4348 will help ensure that the materials used to construct our roads and bridges are produced in the United States. These projects are financed with taxpayer dollars, and we should be using materials produced domestically, not outsourced overseas.

I want to encourage my colleagues to support this motion, and to seize this opportunity to promote our construction and manufacturing industries. By producing and manufacturing domestically, we will create and sustain good-paying jobs in our local communities.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion.

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

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

The yeas and nays were ordered.

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

□ 2110

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The SPEAKER pro tempore (Mr. WITTMAN). Pursuant to House Resolution 661 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4310.

Will the gentleman from Utah (Mr. CHAFFETZ) kindly take the chair.

□ 2110

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes, with Mr. CHAFFETZ (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 12 printed in House Report 112–485 offered by the gentleman from Colorado (Mr. POLIS) had been disposed of.

AMENDMENT NO. 17 OFFERED BY MR. COFFMAN OF COLORADO

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 112–485.

Mr. COFFMAN of Colorado. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle C of title III, add the following new section:

SEC. 3___. GUIDELINES AND PROCEDURES FOR USE OF CIVILIAN EMPLOYEES OR CONTRACTOR PERSONNEL TO PERFORM DEPARTMENT OF DEFENSE FUNCTIONS.

(a) IMPLEMENTATION GUIDELINES AND PROCEDURES REQUIRED.—Subsection (a) of section 2463 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the first sentence and inserting the following: ''The Under Secretary of Defense for Personnel and Readiness shall devise and implement guidelines and procedures to implement this section.''; and

(2) in paragraph (2), by striking ''to performance by Department of Defense civilian employees'' and inserting ''to either performance by Department of Defense civilian employees or performance by contractor personnel''.

(b) CERTAIN FUNCTIONS.—Subsection (b) of such section is amended to read as follows:

''(b) SPECIAL CONSIDERATION FOR CERTAIN FUNCTIONS.—The guidelines and procedures required under subsection (a) shall provide for special consideration to be given to using Department of Defense civilian employees to perform any function that is performed by a contractor if the function—

''(1) is closely associated with the performance of an inherently governmental function; or

''(2) has been performed pursuant to a contract awarded on a non-competitive basis.''.

(c) REPEAL OF EXCLUSION.—Such section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) through (g) as subsections (c) through (f), respectively.

(d) CROSS REFERENCE.—Paragraph (2) of subsection (d), as so redesignated, is amended by striking ''inherently governmental or any function described in subparagraph (A), (B), or (C) of subsection (b)(1)'' and inserting ''inherently governmental function''.

(e) DEFINITIONS.—Subsection (f) of such section, as so redesignated, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Colorado (Mr. COFFMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. COFFMAN of Colorado. Mr. Chairman, over the last few years, the prevailing trend within the Department of Defense has been an increased bias for the use of Federal employees to perform commercial services. This pendulum has swung too far in the direction of a noncompetitive, Big Government model.

Congress is cutting the defense budget by $487 billion over the next 10 years and simultaneously preventing the Pentagon from utilizing free market competition to drive down the cost of doing business. We must take the handcuffs off the Department of Defense and allow the Secretary to shop for the best products and services at the best price.

I am offering amendment 17, which simply returns balance to civilian employees and private contractors in the Department of Defense. My amendment removes any bias towards private or public workforce performance of commercial activities. It allows the Secretary of Defense more options and discretion to efficiently manage taxpayer money authorized to run his Department.

In 2010, then-Secretary Gates admitted, ''We weren't seeing the savings we had hoped for from insourcing.'' Despite the candid assessment, the Department of Defense remains prohibited from utilizing any form of competition when looking for new commercial services, and it is too often directed to insource services that are currently being performed by private contractors.

Small businesses that received government contracts by virtue of a competitive bidding process are powerless to stop the loss of their jobs under the practice of insourcing.

Noncompetitive and nearly unrestricted insourcing practices are fiscally irresponsible and ones that we cannot afford in the current or foreseeable fiscal environment.

My amendment will strike the law that prevents the Secretary of Defense from utilizing private sector competition to provide new products or services. It replaces those restrictions with the ability to competitively bid out for new commercial products or services and select the most cost-effective option. Further, it removes criteria that compel the Pentagon to insource competitive contracts currently being performed.

According to OMB, GAO, and the Center for Naval Analyses, savings of 30 percent are achieved when implementing competitive sourcing for commercial activities currently performed by the government. The Federal Activities Inventory Reform, or FAIR, Act requires the Director of OMB to compile a list of activities performed by Federal Government sources that are not inherently governmental functions.

The Department of Defense, the FAIR Act identified 453,000 jobs that could be performed by a competitive source. If competition is applied to all DOD FAIR Act positions, the annual savings could exceed $13 billion.

My amendment recognizes that there are certain functions that should be performed by Department of Defense civilian employees. It does not adjust the definition of ''inherently governmental functions'' or functions ''closely associated to inherently governmental'' and does not seek to outsource those functions in any way. It will only address commercial functions and afford the Department of Defense options to reduce the cost of providing those products and services.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentlewoman from Guam is recognized for 5 minutes.

Ms. BORDALLO. I yield myself 2 minutes.

As the ranking member on Readiness, I rise in strong opposition to this amendment, Mr. Chairman.

The amendment flies in the face of the total force management provisions adopted by Congress on a bipartisan basis in last year's defense bill and supported by the sponsor of this amendment. Defense Secretary Panetta has stated he is committed to promoting and facilitating improved total force management that is requirements-based and delivers the appropriate mix of civilian, military, and contracted support.

The amendment does not simply lift the A–76 moratorium, as the author suggests. I would note that our committee, on a bipartisan basis, rejected an amendment to lift the moratorium by a bipartisan 25–36 vote. This amendment simply guts how the Department of Defense manages its personnel and reduces oversight of many contracted functions. The amendment is contrary to the bipartisan consensus that this Congress has forged in how DOD should and can manage its personnel.

So I'm asking, do not vote on lifting the A–76 moratorium. Say ''no'' to this amendment. And I urge my colleagues to oppose it.

I reserve the balance of my time.

Mr. COFFMAN of Colorado. Mr. Chairman, there are three principal changes that this amendment makes to current law:

One is it states that new functions that the Department of Defense enters into, as far as having contract requirements, can be done by the private sector. It doesn't say shall be done by the private sector. It merely gives the Department of Defense an option, a tool to save money.

Functions that have been performed by the Department of Defense civilians for the past 10 years, irrespectively, whether they're done cost-effectively or not, again, it doesn't say that the Department of Defense has to outsource these functions. It says that they may, based on whether or not it's a cost-effective option.

Expansion of existing functions performed by Department of Defense civilians, again, if, in fact, there's additional requirements later on, something that's currently done by civil service employees, current law says we have to only accomplish it through civil service employees. This gives them the option.

The Acting CHAIR. The time of the gentleman has expired.

Ms. BORDALLO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii (Ms. HANABUSA).

Ms. HANABUSA. Mr. Chair, I rise in opposition to the Coffman amendment.

Under the guise of efficiency, this is really an assault on the Federal civilian workforce.

The Coffman amendment is based on the misguided belief that private contractors are less costly and more efficient—in other words, outsourcing and

privatization should be the way we go—when, in fact, the insourcing of the work has been proven to be more efficient.

POGO, the Project on Government Oversight, said that the private contractors get paid about 1.83 times, almost twice, more than the government pays its employees. In fact, government pay is less in all of the 35 categories that they reviewed.

The amount spent on civilian personnel grew from fiscal year 2001 to 2010 from about $41 billion to $69 billion. In the same time frame, the private sector grew $73 billion to $181 billion. But, more importantly than that, the Army has said insourcing saves them 16 to 30 percent.

So we hear now today that this is what we want to give to the Secretary of Defense. Leon Panetta says he wants to uphold the policy of the total force management; that there is an appropriate mix of civilian, military, and private, and what we need to do is let that continue.

So this amendment is not supported by the facts. It's not even supported by the Department of Defense. It is clearly an attempt to just support the private sector on the back of Federal employees, and for that reason, I ask everyone to vote ''no.''

□ 2120

The Acting CHAIR. The gentlewoman from Guam has 2 minutes remaining.

Ms. BORDALLO. Mr. Chairman, I can speak from firsthand experience. The A–76 program was a pilot program in the territory of Guam a few years ago. I served as Lieutenant Governor at the time, and I will say this for the record that this program was a dismal failure, and that's what we experienced.

The Department of Defense has found in-sourcing to be very effective. It's an effective tool for the Department to rebalance the workforce, to realign inherently governmental and other critical work to government performance from contract support and, in many instances, to generate resource efficiencies.

So, again, we should vote ''no'' on this amendment. Lifting the A–76 moratorium would be a sad mistake on our part.

I yield back the balance of my time.

Mr. LOEBSACK. Mr. Chair, I strongly oppose amendment number 54 offered by Congressman COFFMAN.

By reducing oversight and limiting the Department of Defense's ability to address contracts that are over cost; high risk; or poorly performed, it reduces DOD's ability to meet management, readiness, and critical risk mitigation needs.

What's more, it undermines a bipartisan initiative enacted just last year that ensures the Department of Defense is able to utilize the entire defense workforce to protect taxpayers; our readiness to respond to a national security emergency; and our nation's ability to rapidly equip our troops with the equipment they need, when they need it.

When our Humvees needed to be uparmored to protect our troops, Rock Island Arsenal produced and delivered the initial Add-on-Armor kits within a month of receiving the order. This lifesaving armor had to get into the field as quickly as possible to save our troops lives, and only an arsenal had the capability to do it.

They did it again to protect our troops by armoring Stryker vehicles. The men and women at Rock Island Arsenal worked 24 hours a day, 7 days a week to produce the Common Ballistic Shield kits that our troops needed.

Yet this amendment would actually make it more difficult to maintain critical capabilities and ensure the civilian workforce at Rock Island Arsenal and across the country are able to respond when our troops and our country need them.

I strongly urge my colleagues to oppose this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. COFFMAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. COFFMAN of Colorado. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. KEATING

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 112–485.

Mr. KEATING. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 132, line 7, strike ''106,005'' and insert ''106,700''.

Page 133, line 22, strike ''14,952'' and insert ''14,833''.

At the end of subtitle G of title X, add the following new section:

SEC. 1078. LIMITATION ON AVAILABILITY OF FUNDS FOR TRANSFER, REDUCTION, OR ELIMINATION OF CERTAIN AIR NATIONAL GUARD UNITS.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Air Force may be used during fiscal year 2013 to transfer, reduce, or eliminate, or prepare to transfer, reduce, or eliminate, any unit of the Air National Guard supporting an Air and Space Operations Center or an Air Force Forces Staff.

(b) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if—

(1) the Secretary submits to the congressional defense committees written certification that such a waiver is necessary to meet an emergency national security requirement; and

(2) a period of 30 days has elapsed following the date on which such certification is submitted.

(c) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report by the Chief of the National Guard Bureau and the Chief of Staff of the Air Force and approved by the Secretary of Defense that specifies, with respect to all Air National Guard units supporting an Air and Space Operations Center or an Air Force Forces Staff that are proposed to be reduced or eliminated during fiscal years 2013 through 2017—

(A) the economic analysis used to make each decision with respect to such unit to be reduced or eliminated;

(B) alternative options considered for each such decision, including an analysis of such options;

(C) a detailed account of the communications with the corresponding Air and Space Operations Center or Air Force Forces Staff that went into each such decision;

(D) a detailed account of the communications with the corresponding command that went into each such decision;

(E) the effect of each such decision on—

(i) the current personnel at the location; and

(ii) the missions and capabilities of the Air Force; and

(F) the plans for each location that is being realigned, including the analysis used for such plans.

(2) GAO ANALYSIS.—The Comptroller General of the United States shall carry out the following:

(A) An economic analysis of each decision made by the Secretary of Defense with respect to reducing or eliminating an Air national guard unit included in the report under paragraph (1).

(B) An analysis of the alternative options considered for each such decision, including an analysis of such options.

(C) An analysis of the communications with the corresponding Air and Space Operations Center or Air Force Forces Staff that went into each such decision.

(D) An analysis of the communications with the corresponding command that went into each such decision.

(E) An analysis of the effect of each such realignment decision on—

(i) the current personnel at the location; and

(ii) the missions and capabilities of the Army; and

(3) COOPERATION.—The Secretary of Defense shall provide the Comptroller General with relevant data and cooperation to carry out the analyses under paragraph (2).

(4) SUBMITTAL.—Not later than 90 days after the date on which the Secretary submits the report under paragraph (1), the Comptroller General shall submit to the congressional defense committees a report containing the analyses conducted under paragraph (2).

(d) FUNDING.—

(1) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amounts authorized to be appropriated in section 301 and 421 for operation and maintenance and military personnel, as specified in the corresponding funding tables in section 4301 and 4401, respectively, are hereby increased by a total of $36,513,000, to be distributed as follows:

(A) The amount authorized to be appropriated in section 4301 for operation and maintenance, Air National Guard, is hereby increased by $10,686,000.

(B) The amount authorized to be appropriated in section 4301 for operation and maintenance, Air Force, is hereby increased by $1,040,000.

(C) The amount authorized to be appropriated in section 4401 for military personnel, Air National Guard, is hereby increased by $21,993,000.

(D) The amount authorized to be appropriated in section 4401 for military personnel (MERHC), Air National Guard, is hereby increased by $2,794,000.

(2) REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for Research, Development, Test, and Evaluation, as specified in the corresponding funding table in section 4201, is hereby reduced by $36,513,000, to be derived from the Ballistic Missile Defense Midcourse Defense Segment.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Massachusetts (Mr. KEATING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. KEATING. In the important debate to save National Guard units, we made some steps forward in this bill and, unfortunately, also took steps backward. Many in the Chamber may assume that all the National Guard units were restored in the markup of this bill. That's simply not the case.

A vital and unique group of Air National Guard units, known as C-NAFs, have a full-time mission to support Active Duty bases. These augmentation units take on a large chunk of the workload while only accounting for a small percentage of the mission's workforce—and the work is all done domestically. In and of itself, that provides a higher degree of security because there are discrete sites that are isolated and more easily secured here in the United States. These units were created because they're cost effective, and eliminating them will result in unfinished business, displaced costs and, perhaps the most alarming of all consequences, endangered lives.

To illustrate, the 102nd Air Operations Group at Otis Air National Guard Base works 24/7 365 days of the year to conduct 30 percent of the Air Force Global Strike Command's surveillance mission, and only accounts for 10 percent of the Command's workforce—30 percent of the mission and 10 percent of the Command's workforce. The 102nd Air Operations Group's counterparts at Barksdale Air Base in Louisiana rely on these great men and women to examine realtime footage and spot out threats.

When I talk about consequences, including the endangering of lives, the work of this unit has helped our servicemen and -women avoid concealed insurgents on the battlefield, and it tracks the proliferation of nuclear weapons as these events are occurring. It has the backs of our soldiers in the field, and it affords its own level of defense against nuclear weapons. Unfortunately, Mr. Chairman, the Air Force is only now realizing the impact of this loss.

I apologize for all of the acronyms that are here, but I wanted to take the actual slide from the Air Force's presentation. This slide is from May 2. It is an Air Force briefing to Lieutenant General Herbert Carlisle, deputy chief of staff for operations for the Air Force.

It proves that units like the 102nd AOG are essential. According to this slide, which is only 2 weeks old, the 102nd Air Operations Group is ''essential to the U.S. Strategic Command's time-sensitive planning mission,'' and the impact of losing this unit will render the Air Force ''unable to fully support extended time-sensitive scenarios.''

Furthermore, the Air Force reiterates that without the 102nd Air Operations Group, the mission of the Global Strike Command will not be supported, and the Rapid Assessment Team currently in place at Barksdale cannot take on more surveillance duties without the 102nd AOG.

But perhaps the most glaring piece of information on this slide is on the last line, which simply states:

The National Guard Bureau did not coordinate this cut with USSTRATCOM, Global Strike Command and the 8th Air Force.

Mr. Chairman, clearly, even the Air Force knows that a big mistake was made in the decision to eliminate these Guard units. My amendment simply freezes cuts to the Air National Guard units to support the Air Force until the impact of the unit's loss is determined and reported to Congress. This language leaves room to sort out the units that are essential to our national security and to cut where duplicative missions exist. For these reasons, I urge all of my colleagues to vote in favor of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. I yield 2 minutes to my friend and colleague, the chairman of the Subcommittee on Readiness, the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. I thank the gentleman for yielding.

Mr. Chairman, I want to say to my friend on his amendment that we share his love for the Guard across this body. I think most of the Members here recognized the great job they do day in and day out for us.

That's why I want to also say how much we appreciate the chairman's work and the ranking member's work to make sure in this bill that they have raised and saved many of our Guard priorities, and I thank them for looking in there and for doing that.

I wish we had been able to save everything in this bill, but friends on the other side have criticized us for the extra money we've put in already.

One of the things that you realize, Mr. Chairman, is that at times you just do have to make an allocation. In this particular situation, the National Guard Bureau actually looked and said, We want to save and prioritize our UAV mission because we think that's higher than headquarters functions. That's what they did. They made a priority assessment that it was more important for us to save the UAV missions, which they did, and not headquarters operations. I also realize, as the gentleman does, that we would like to each preserve these Guard units in our own areas, but the Department of Defense just felt that that wasn't possible. They opposed this amendment.

Mr. Chairman, I would say, if you have to make the choice between protecting our headquarters units and protecting missile defense, I think that's an easy decision for us. We want to make sure we are continuing to protect missile defense. I hope that we will vote against this amendment.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. I want to thank Chairman FORBES for his commitment and support for the Air National Guard and also thank Chairman MCKEON.

This amendment is not about the National Guard or the Air National Guard or even: How are we going to support our Guard? This amendment is about cutting missile defense. If you look at the amendment, it looks to take money from our national security, specifically in the area of our missile defense. Now, this is one amendment of a series of amendments that are coming across from the other side of the aisle that are attempting to cut missile defense.

This occurs at a time when Iran and North Korea continue to increase as a threat to our country. Secretary Gates even said, as he was departing, that North Korea is rising to the level of being a threat to the mainland of the United States—missile defense becoming that much more important.

Coincidentally, as we know, this also comes on the heels of the President's having what people know as an open-mic event when the President was caught surprised that his mic was open so that the American people could hear a conversation that he was having with President Medvedev in which he said that after the election—his last election—that he would have greater flexibility to deal with the issue of missile defense.

Now, the President, in his secret deal with the Russians has not yet told us what it is that he would lessen in our missile defense; but I know, as we look to these amendments, they are consistent with the issue of: Do we have a strong missile defense? Do we not have a strong missile defense? Do we follow the President's lead of a weakening of our national defense and our missile defense?

□ 2130

On this side of the aisle, I think the American people believe that we need a strong missile defense, we need to make certain that we're protecting our homeland; and we're protecting our mainland.

I asked the White House and I asked the President if they would tell us what was in this secret deal that they have with the Russians, and they did

respond to me in a letter of April 13, as Ranking Member SMITH mentioned. This letter does not say at all that there are any terms that the White House is willing to discuss, but it does say this sentence:

It is no secret this effort will be more complicated during election years.

Even in writing and in the openmiking event, the President says that after this election he'll have more flexibility, meaning that he can't stand in front of the American people and tell us what his plans are for missile defense or it could affect his election, meaning the electorate themselves would not support what this President wants to do with missile defense. I know the electorate would not support this Keating amendment.

It is important that we have a strong missile defense as we look to Iran and North Korea, and this Ground-based Midcourse Defense system that they want to cut in this amendment is the only one that we currently have that protects mainland United States. The CE1 intercepter has been tested, and it is three for three in its success. This is a system that works, that we need to make certain that we continue, and it certainly is one that I know the American public supports and wants us to continue.

Mr. KEATING. Mr. Chairman, how much time is remaining on each side?

The Acting CHAIR. The gentleman from Massachusetts and the gentleman from California each have 30 seconds remaining.

Mr. KEATING. Thank you, Mr. Chairman.

Don't be presumptuous enough to tell me my motivations. We looked for many pay-fors in this plan. What we have is plain and simple. We have enhancement of the security of our country because we have a plan that works and that will save lives and help us resolve missile-defense issues by tracking them versus a pay-for that we located that was $400 million over budget. I only took 9 percent of that, leaving 91 percent of that intact because I think this tradeoff enhances our security.

I yield back the balance of my time.

Mr. MCKEON. I yield my remaining 30 seconds to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. The gentleman states that his amendment only takes 9 percent from missile defense. The gentleman is stepping forward and saying what's in his amendment. The President, however, won't tell us how much he wants to cut from missile defense as he goes through this election cycle with the secret deal that he has with the Russians.

The one thing that we know is that this system stands ready to defend the United States, and it is necessary. Iran and North Korea continue to increase their threat to the United States. This system deserves our funding. It deserves the funding that's in this bill. This amendment should be defeated.

Mr. MCKEON. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. KEATING).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. KEATING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 19 OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 112–485.

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle C of title V, add the following new section:

SEC. 5___. ELIMINATION OF MAXIMUM AGE LIMITATION FOR ORIGINAL ENLISTMENTS IN THE ARMED FORCES FOR INDIVIDUALS WHO ARE OTHERWISE QUALIFIED FOR ENLISTMENT.

Section 505(a) of title 10, United States Code, is amended by striking ''nor more than forty-two years of age''.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, my amendment is very straightforward. It would simply allow individuals of any age to enlist in the military so long as they were able to meet all of the requirements to ensure that they're fit for duty.

Under current law, only individuals who are 42 years of age or younger are allowed to enlist in the military. This seems to be an arbitrary number. As we can all probably attest, there are some 20-year-olds that cannot run a mile. Yet there are a growing number of middle-aged men and women who are extremely physically fit and, whether due to family, work, or other obligations, were unable to enlist when they were younger.

I've heard from some of these individuals. Mr. Chairman. They are competitive runners, triathletes, and general fitness enthusiasts. I daresay they are stronger and fitter than many younger people, and they have an added benefit of life experience and maturity. Yet when they attempt to use these skills to serve their country, the military tells them, We don't want you, you're too old.

Not long ago, I heard from a man who was in just this situation. He is a competitive ultra-marathoner, the picture of health. This gentleman, who after starting a family and establishing a career, decided he was finally able to realize his dream of serving in his country's military. Unfortunately, he was told that he was just a few months too old. As a result, he could not enlist.

While stories like this gentleman's are compelling, there are other loss potentials to consider, also. One of our colleagues, my good friend and the gentleman from my home State of Georgia, Dr. PHIL GINGREY, has experienced a similar issue. He's not trying to serve in combat. He's not trying to get a military retirement. He simply wants to serve his country using his training as a medical doctor. He went to enlist in the Navy Reserve; and to his surprise he was told that he was too old, even as the need for good medical doctors in the military ranks continues to grow. We should allow people like Dr. GINGREY to enlist in the military. My amendment would do just that.

We'll hear a number of Members on the floor today who are expressing concern about the multiple tours that so many of our men and women in uniform have had to serve, often back to back over many years. I share this concern; and I believe that if we were to lift this age restriction, we could open up the military to a new population of strong, capable individuals, who in many cases have finished their education and their careers, and have seen their children grow into adulthood. Many of them aren't seeking military retirement, but rather have advanced in their careers, put away enough for retirement, and are ready for a new challenge.

I urge my colleagues to support this commonsense amendment, and I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Mrs. DAVIS of California. Mr. Chairman, I rise in opposition to the amendment offered by my colleague from Georgia (Mr. BROUN).

I understand his belief that anyone who qualifies, regardless of age, should be able to serve. However, serving in the United States military is a difficult and challenging profession, especially as one gets older in years. The Department of Defense does not support this amendment. Current law allows enlistments up to age 42; however, all of the services' current policies have restricted enlistment to a lesser age, with the Army at the maximum age of 35.

Mr. Chairman, we are currently drawing down the force and recruiting conditions do not require this proposal. Even during the most difficult recruiting environment at the peak of national emergency, only the Army exercised the authority and raised its age limit to 42. This policy was only in place for a few years, and the Army has since reinstated its old policy of a maximum of 35 years of age because the risks and the challenges of training older recruits outweigh the minimum gain.

What the Army found was that older-level recruits tend to have greater health and physical illness, especially when deployed. And once injured, these individuals face a longer period of recuperation.

Mr. Chairman, this amendment is not needed and counterproductive to recruiting young men and women in the Armed Forces. I urge my colleagues to oppose the amendment, and I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Chairman, how much time do I have left?

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. BROUN of Georgia. Mr. Chairman, I'm 66 years of age. I'm in the United States Navy Reserve today, an active reservist as a general medical officer. There are many reservists not only in the Navy, but in other branches of the service that are beyond 42 years of age.

We have a critical need for doctors, lawyers, veterinarians, dentists, other specialties in our military, even as we turn down the size of our forces. I think it's critical to have the ability for people who want to serve, who are physically fit, who can meet all the requirements to be able to do so. That's all this amendment does. It does not waive any physical requirements. It does not waive anything that is out there today for someone to enlist. It's just going to utilize people who have the capability of serving to allow them to do so. Not doing so is actually discriminating against them just because they have celebrated a few birthdays.

□ 2140

I mentioned in my comments about an ultramarathoner that the military actually wanted. This guy was in better shape than most people who are in their twenties after they leave boot camp. The Army wanted him, but because he was just a couple of months too old, the law would not allow him to enlist.

He would have served this Nation very admirably. He wanted to serve. He was physically fit. He was capable of doing anything that a 20-year-old is capable of doing today. And my amendment would allow him—as well as the gentleman from Georgia (Dr. GINGREY)—to serve.

Dr. GINGREY is in good physical condition. He just wants to go utilize his medical experience and provide medical services to our men and women in uniform, and he should be allowed to do so also.

So I encourage my colleagues to vote for my amendment.

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. WILSON), the chairman of the Military Personnel Subcommittee.

Mr. WILSON of South Carolina. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia.

As a 31-year veteran of the Army Reserves and National Guard, I fully appreciate the need for an age limitation. What we ask our young men and women to do is nothing short of incredible. The physical and mental toughness that is instilled in them as they enlist is something that becomes more challenging over time.

I appreciate the efforts of the gentleman from Georgia, that there are always exceptions, and I applaud those who maintain a high level of physical fitness and desire to serve their country, but that is only one requirement that the military provides. I know firsthand that age limitation will expand opportunities for younger servicemembers to serve in command positions.

I urge defeat of this amendment.

Mrs. DAVIS of California. I yield 1 minute to the gentleman from Nevada, Dr. HECK, who is a medical doctor in the Army Reserve and is also a member of the Military Personnel Subcommittee.

Mr. HECK. I, too, rise in opposition to the amendment.

Like my colleague from Georgia, I am also an active reservist and a physician in the military.

We are fortunate that we now have an all-volunteer force. Indeed, we are blessed that we have such capable men and women that are willing to put on the uniform. But as we start to have a drawdown, as we start to go through total force management, we want to make sure that we keep opportunities for those that are the brightest, the most capable, and the fittest for the longest period of time.

I will tell you that being a physician in the Reserves is a lot different than enlisting in the active duty force. Going through initial entry training, military occupational specialty training is a very rigorous course of instruction.

As a physician, I have concerns. I think that while well-intended, the Secretary has already had the ability to grant waivers for exigent circumstances and when in the best interest of the Department of Defense and that this amendment is not required.

Mrs. DAVIS of California. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. CARSON OF INDIANA

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 112–485.

Mr. CARSON of Indiana. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle C of title V, add the following new section:

SEC. 5___. PROHIBITION ON USE OF MENTAL HEALTH RECORDS, ADDICTION SERVICE RECORDS, COUNSELING RECORDS, OR OTHER DOCUMENTS REGARDING SEEKING ASSISTANCE WITH MENTAL HEALTH ISSUES WHEN MAKING DETERMINATIONS ABOUT PROMOTIONS.

(a) PROHIBITION.—Except as provided in subsection (b), when making determinations about promotions or separations, a promotion board may not request, review, or consider—

(1) the mental health records, addiction service records, counseling records, or any other documents concerning the pursuit of assistance with mental health issues, ongoing or past, of a member of the Armed Forces; or

(2) information contained in any of these records or documents whether provided by word of mouth or in writing from commanding officers, noncommissioned officers, or any other individual.

(b) LIMITED EXCEPTION.—The Secretary of Defense shall establish a process by which a member of the Armed Forces can be excluded from the prohibition and the records and information described in subsection (a) considered, if—

(1) the member is being considered for a discharge from the Armed Forces based on a severe or untreatable mental health disorder;

(2) a physician determines that the member could be a danger to himself or herself or other persons as a result of a mental health issue that is unresolved or untreated before the board meets;

(3) a physician determines that the member will be unable to complete the duties and responsibilities associated with the advancement in rank being considered by a promotion board as a result of a mental health issue that is unresolved or untreated before the board meets; or

(4) the member consents to consideration of the records or information, such as to explain negative actions considered by a promotion board connected with a mental health issue that has been treated.

(c) NOTIFICATION.—The Secretary of Defense shall ensure that notification of the prohibition imposed by subsection (a), and the limited exception provided by subsection (b), is made available to members of the Armed Forces not later than 90 days after the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Indiana (Mr. CARSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. CARSON of Indiana. Mr. Chairman, my amendment, which CBO has determined will have no impact on direct spending or appropriations, seeks to address an issue that I believe is preventing many of today's servicemembers from pursuing the mental health and addiction treatment that they so desperately need.

Quite simply, it prevents promotion boards from considering any other source of information from official documents, word of mouth, any source

about the pursuit of treatment for mental health or addiction issues. The amendment provides necessary exceptions for individuals who are determined by a physician to be a danger to themselves or others, would be unable or unfit to accomplish the duties of higher rank, or if they give consent to consideration of such information. And lastly, and I believe most importantly, the amendment requires the Department of Defense to inform current servicemembers about these prohibitions.

As we all know, Mr. Chairman, mental health issues, like PTSD and depression, are the signature wounds of our wars in Afghanistan and Iraq. Unfortunately, we have entered these wars with an outdated military culture that stigmatized mental health issues and often equated pursuing treatment with weakness.

Mr. Chairman, we have made amazing progress since then, and I applaud the Department of Defense and the Armed Services Committee for their efforts. Yet I still hear from servicemembers who are afraid that pursuing mental health treatment will negatively impact their prospects for promotion and others who are absolutely convinced that this is a pervasive problem in the ranks, that many servicemembers believe this. Now, these individuals are dedicated to their jobs and determined to progress in their careers, so, not surprisingly, they hesitate in pursuing treatment.

Of course I understand that HIPAA prevents medical records from being considered—including those on mental health—with good reason. But we need to be absolutely sure that the fears of our servicemembers do not come to pass in other ways. We need to make explicit that promotion boards are not only prevented from considering medical records but also information on treatment received by word of mouth, from other areas of personnel files, or in any other form. This will reflect our modern understanding of mental health and addiction issues—that they should be treated, not ignored, and that individuals can overcome them.

But I believe, Mr. Chairman, the most important aspect of this amendment, the main reason I hope my colleagues will join me in supporting it, is that we need to be sure that our servicemembers know and are fully aware about these prohibitions.

Some may argue against this amendment, claiming that it perpetuates a myth, that, in fact, treatment information is not considered. Their argument perfectly illustrates why this amendment is so necessary. Because many servicemembers believe they will be penalized for pursuing treatment. And as long as this is true, we will still have our brave men and women suffer in silence. With screening and counseling, they could get healthy. They could perform their duties at a much higher level. And they could avoid falling into the traps of addiction, domestic violence, and homelessness that await too many of our veterans when the return home.

Mr. Chairman, I believe that the individuals assigned to the promotion boards have the best interests of the military at heart, and I believe that they do their jobs quite well. The quality of our advanced ranks proves just that. But I want to be sure that we do everything possible to remove the stigma on mental health treatment until all servicemembers are comfortable pursuing the treatment that they need. I believe this amendment is an important step in that direction. I hope all of my colleagues will join me in supporting this amendment.

□ 2150

Mr. MCKEON. Mr. Chairman, I rise to claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. I yield 3 minutes to my friend and colleague, the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. I rise in opposition to the amendment offered by the gentleman from Indiana. I oppose the amendment because it intrudes on the inherent responsibility of commanders to assess the fitness for promotion of servicemembers under their command. As a former president myself of the Mid-Carolina Mental Health Association, I appreciate mental health issues. Our commanders strive to be fair, and the service policies prevent prejudicial consideration of mental health treatment that carries no implications for performance and promotion qualification.

This amendment would require our commanders to withhold evidence of behavior that is clearly inconsistent with promotion. I am concerned whether it is even ethical to demand our commanders to ignore such information that they see as a risk to force readiness. A commander must make a recommendation on every individual regarding promotion eligibility. Once aware of facts that would clearly cause a commander to question a servicemember's fitness for promotion, it would seem impossible for a commander to render a recommendation that supports the member's promotion. It is unfair to ask our commanders to be so disingenuous.

The risk is that this amendment would routinely eliminate important factors from the promotion process that will result in the promotion of unqualified members over more deserving members. This provision attempts to replace the commander's judgment with that of an artificial standard that cannot account for the complexity of cases.

The role of commanders is pivotal in the promotion systems operated by the Armed Forces. The Nation invests immense trust in our military commanders in the most challenging of circumstances, and we must not betray that trust by limiting their responsibility to choose future leaders.

Don't tie the hands of our commanders as they assess their subordinates' fitness for promotion. Continue to put our trust in commanders and defeat this amendment.

I urge defeat of the amendment.

Mr. MCKEON. I yield 1 minute to my friend and colleague, a member of the committee, the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman from South Carolina, whose oldest son and I served in Iraq together.

As a United States Marine, I filled out dozens of evaluations on my marines. Some I recommended for promotions, some I did not.

As has already been said, Mr. Chairman, this amendment must be opposed because it would disrupt the vital role commanders play in the military promotion process. Our commanders are the best prepared to make the difficult judgments of balancing interests of the individuals against the need of the Armed Forces to promote the most qualified individuals. It is not ethical to ask commanders to overlook information that they believe directly bears on the member's qualification for promotion. Commanders strive to be fair, and current policies prevent prejudicial consideration of mental health treatment that carries no implications for performance and promotion qualification.

The provision attempts to replace the commander's judgment with an artificial standard that cannot account for the complexity of cases. The Nation invests immense trust in our military commanders in the most challenging of circumstances, while leading marines and soldiers in combat, and we must not betray that trust.

I urge defeat of this amendment.

Mr. MCKEON. How much time is remaining?

The Acting CHAIR. The gentleman from California has 2 minutes remaining, and the time of the gentleman from Indiana has expired.

Mr. MCKEON. I yield the balance of my time to the gentleman from Nevada (Mr. HECK).

Mr. HECK. Mr. Chairman, I rise today to reluctantly oppose the gentleman from Indiana's amendment. I applaud his intent of trying to remove the stigma of seeking mental health services in the military. Again, as a physician in the Army Reserves, I've experienced the issues that he's trying to address here this evening. But I also have to agree with my colleagues that have brought up the issues regarding the impact on the commander's ability to make a truthful and honest recommendation for promotion.

Having had the honor to command and having had the opportunity to serve on promotion boards, I know that this information is vitally important. It's hard to draw the distinction as to whether or not you're using the information that the person sought care or

was it because of the behavior that that person demonstrated that caused them to seek the care. Nonetheless, that information is vital.

When a physical profile or medical profile form is included in a packet that shows there's a duty restriction, perhaps because of a psychiatric disturbance or for a generally physical disturbance, that information is taken into consideration when determining whether or not that individual is fit for promotion and the duties that would be assigned subsequent to that promotion.

Again, I applaud my colleague's intent, but I think the answer to this is better education of our servicemembers to rid ourselves of this pervasive misconception than trying to pass this amendment.

Mr. MCKEON. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. CARSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CARSON of Indiana. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

The Acting CHAIR. The Chair understands that amendment No. 22 will not be offered.

AMENDMENT NO. 24 OFFERED BY MR. WITTMAN

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 112–485.

Mr. WITTMAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title V, add the following new section:

SEC. 5___. ESTABLISHMENT OF CHAIN OF COMMAND FOR ARMY NATIONAL MILITARY CEMETERIES.

(a) MILITARY CHAIN OF COMMAND REQUIRED.—The Secretary of the Army shall establish a chain of command for the Army National Military Cemeteries, to include a military commander of the Army National Military Cemeteries to replace the current civilian director upon the termination of the tenure of the director.

(b) CONFORMING AMENDMENT.—Section 4724(a)(1) of title 10, United States Code, is amended by striking ''who shall meet'' and inserting ''who is a commissioned officer and meets''.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Virginia (Mr. WITTMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WITTMAN. Mr. Chairman, I yield myself such time as I may consume.

We all know the record of problems at Arlington National Cemetery, and we know the current leadership there has made significant progress in fixing that system. But my concern with Arlington is not with the professionals and leaders who have turned Arlington around and worked tirelessly to ensure the fallen members of our all-volunteer force, our veterans, and their families are treated with the respect, reverence, and honor they deserve. My concern is that the scandals and embarrassment that rocked Arlington National Cemetery went largely unprosecuted for one reason: no one from the former civilian directors in the former chain of command at Arlington was held accountable for their actions and their gross negligence and gross mismanagement because none of them were subject to the Uniform Code of Military Justice. Additionally, Arlington is managed by the Army and rests adjacent to a joint military base. Tenants of that command work on that base daily.

With that, I believe strongly that we need to have a military leader now in charge of Arlington National Cemetery.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of Florida. I rise to reluctantly oppose the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of Florida. I yield myself such time as I may consume.

On the 10th of June, 2010, the Secretary of the Army, a former member of this body, John McHugh, appointed Kathryn Condon, a former high-ranking senior civilian Army official with a strong management background, the first executive director of the Army National Cemeteries Program. There is every indication that she is qualified and well suited for the post.

The Army created the new position to oversee Arlington National Cemetery and Soldiers Home National Cemetery as a result of the problems that have been discussed by my friend and colleague, Mr. WITTMAN. In its initial recommendation, the Army did not state that the newly created executive director position should be filled by a military official, and since that time has not provided any rationale stating why a military official would be better suited for this position rather than a civilian with credentials like Ms. Condon's.

This amendment would establish the military chain of command, requiring the executive director of the Army Cemeteries Programs be a commissioned officer, replacing the current civilian in that position. Army oversight over the Cemeteries Program remains very strong by virtue of the fact that Ms. Condon reports directly to the Secretary of the Army. There is every indication today that Ms. Condon has performed her duties in a competent and effective manner. All IG and Advisory Committee reports show that significant progress at Arlington has been made under her leadership. Ms. Condon's status as a civilian does not affect the overall authority of the Army over the program or any aspect of the operations under her care.

I note that the Secretary of the Army, Secretary McHugh, wrote a strong letter of opposition to this amendment for the reasons that I have just addressed, and I would urge my colleagues to oppose this amendment.

□ 2200

Mr. WITTMAN. Mr. Chairman, with that I would like to yield 1½ minutes to the gentleman from Florida (Mr. WEST).

Mr. WEST. Mr. Chairman, I thank Chairman WITTMAN, and I do rise to support this amendment. Having spent time in the military, we were taught that there were some basic principles. A couple of those basic principles are unity of command and unity of effort.

I will take nothing away from the civilian appointee that we have in this position currently, but as we said, this is the Army national cemetery. And it being the Army national cemetery, I feel it is very important we have a chain of command, a chain of leadership. That could fall under the Military District of Washington.

As a matter of fact, the sergeant major of the Military District of Washington is someone that I served with at Fort Bragg, North Carolina, when I was a young major, and we understand chain of command. We understand responsibility and accountability. And I talked to him about this, and he feels that will be something that will be very well appropriate, to have a military commissioned officer.

When you look at our arsenals, our arsenals out there have strong civilian leadership and also strong civilian employees, but yet we have a military commander. When you look at an organization such as the Army Material Command, which is some 60 to 70 percent civilian, but yet we have a four-star general, General Ann Dunwoody, someone that I also know very well and served with, who is in charge of that organization.

So I think if we want to make sure that we have right type of unity of command, unity of effort, chain of command in place, we need to make sure that we have a uniformed military person that's in control and in command of this Army National Cemetery.

I urge my colleagues to support this amendment.

Mr. MILLER of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. WITTMAN. Mr. Chairman, I yield 1½ minutes to my distinguished colleague from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman from Virginia and the gentleman from Florida.

I would like to start by talking about what this means to me. This is about accountability, responsibility, and authority. All of these leadership themes are well defined throughout the Uniform Code of Military Justice, but a civilian team does not protect the Tomb of the Unknown Soldier at Arlington National Cemetery. That's the 3rd United States Infantry Regiment that

has the responsibility to honor our fallen comrades and conduct ceremonies and special events to represent the U.S. Army. One of most known tasks of this unit is the distinguished charge of guarding the Tomb of the Unknown at Arlington National Cemetery, which it has done with honor since July of 1937. Again, this is a military unit, it's not a civilian unit.

Many of our fallen heroes who were killed in action choose to be buried in Arlington, home to our Nation's military history, the men and women who sacrificed to make this country what it is today.

The current chain of command under the Department of the Army has a civilian executive director of the Army National Cemeteries reporting directly to the Secretary of the Army. Nowhere in the current chain of command does there exist a uniformed military officer of appropriate rank with commensurate command authority, accountability, and responsibility who is subject to the Uniform Code of Military Justice.

If we are only going to have one major national cemetery that is run by a branch of the DOD, then there needs to be a uniformed chain of command that runs the cemetery in a professional, military manner.

In closing, I would state, Mr. Chairman, I have friends that may choose to be buried at Arlington National Cemetery, and I would urge adoption of this amendment.

Mr. MILLER of Florida. Mr. Chairman, I would like to ask the sponsor of the amendment if he has any more speakers?

Mr. WITTMAN. I do to close.

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

Mr. WITTMAN. Mr. Chairman, you know, as you've heard, this issue is really about this: it's about making sure that there's accountability and that there's responsibility at this Nation's most distinguished resting place where our heroes that have defended this Nation go for their final resting place. If we put a uniformed officer in command of Arlington National Cemetery, then that officer will be held accountable to the exact same standards as the heroes buried at Arlington once were; that is the Uniform Code of Military Justice.

The men and women of our all-volunteer force who fall in combat, and those who serve and who choose to be buried at Arlington, deserve the honor of having a uniformed commanding officer to watch over them as they rest, to set and enforce a standard of military excellence and commitment, honor and integrity that only those serving in uniform can fully comprehend.

Folks, these are our Nation's heroes. We owe them nothing less, especially in light of the problems that we've had there at Arlington. So I urge my colleagues to support this amendment, to put back in place the distinction and the honor deserved by our men and women who have so honorably served this Nation.

I yield back the balance of my time.

The Acting CHAIR (Mr. REED). The question is on the amendment offered by the gentleman from Virginia (Mr. WITTMAN).

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MR. CUMMINGS

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in House Report 112–485.

Mr. CUMMINGS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle G of title VI, add the following new section:

SEC. 664. MORTGAGE PROTECTION FOR MEMBERS OF THE ARMED FORCES, SURVIVING SPOUSES, AND CERTAIN VETERANS.

(a) MORTGAGE PROTECTION.—

(1) IN GENERAL.—Section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended to read as follows:

''SEC. 303. MORTGAGES AND TRUST DEEDS.

''(a) MORTGAGE AS SECURITY.—This section applies only to an obligation on real or personal property that is secured by a mortgage, trust deed, or other security in the nature of a mortgage and is owned by a covered individual as follows:

''(1) With respect to an obligation on real or personal property owned by a servicemember, such obligation that originated before the period of the servicemember's military service and for which the servicemember is still obligated.

''(2) With respect to an obligation on real property owned by a servicemember serving in support of a contingency operation (as defined in section 101(a)(13) of title 10, United States Code), such obligation that originated at any time and for which the servicemember is still obligated.

''(3) With respect to an obligation on real property owned by a veteran described in subsection (f)(1)(B), such obligation that originated at any time and for which the veteran is still obligated.

''(4) With respect to an obligation on real property owned by a surviving spouse described in subsection (f)(1)(C), such obligation that originated at any time and for which the spouse is still obligated.

''(b) STAY OF PROCEEDINGS AND ADJUSTMENT OF OBLIGATION.—(1) In an action filed during a covered time period to enforce an obligation described in subsection (a), the court may after a hearing and on its own motion and shall upon application by a covered individual when the individual's ability to comply with the obligation is materially affected by military service—

''(A) stay the proceedings for a period of time as justice and equity require, or

''(B) adjust the obligation to preserve the interests of all parties.

''(2) For purposes of applying paragraph (1) to a covered individual who is a surviving spouse of a servicemember described in subsection (f)(1)(C), the term 'military service' means the service of such servicemember.

''(c) SALE OR FORECLOSURE.— A sale, foreclosure, or seizure of property for a breach of an obligation described in subsection (a) shall not be valid during a covered time period except—

''(1) upon a court order granted before such sale, foreclosure, or seizure with a return made and approved by the court; or

''(2) if made pursuant to an agreement as provided in section 107.

''(d) MISDEMEANOR.—A person who knowingly makes or causes to be made a sale, foreclosure, or seizure of property that is prohibited by subsection (c), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

''(e) PROOF OF SERVICE.—(1) A veteran described in subsection (f)(1)(B) shall provide documentation described in paragraph (2) to relevant persons to prove the eligibility of the veteran to be covered under this section.

''(2) Documentation described in this paragraph is a rating decision or a letter from the Department of Veterans Affairs that confirms that the veteran is totally disabled because of one or more service-connected injuries or service-connected disability conditions.

''(f) DEFINITIONS.—In this section:

''(1) The term 'covered individual' means the following individuals:

''(A) A servicemember.

''(B) A veteran who was retired under chapter 61 of title 10, United States Code, and whom the Secretary of Veterans Affairs, at the time of such retirement, determines is a totally disabled veteran.

''(C) A surviving spouse of a servicemember who—

''(i) died while serving in support of a contingency operation if such spouse is the successor in interest to property covered under subsection (a); or

''(ii) died while in military service and whose death is service-connected if such spouse is the successor in interest to property covered under subsection (a).

''(2) The term 'covered time period' means the following time periods:

''(A) With respect to a servicemember, during the period beginning on the date on which such servicemember begins military service and ending on the date that is 12 months after the date on which such servicemember is discharged from such service.

''(B) With respect to a servicemember serving in support of a contingency operation, during the period beginning on the date of the military orders for such service and ending on the date that is 12 months after the date on which such servicemember redeploys from such contingency operation.

''(C) With respect to a veteran described in subsection (f)(1)(B), during the 12-month period beginning on the date of the retirement of such veteran described in such subsection.

''(D) With respect to a surviving spouse of a servicemember described in subsection (f)(1)(C), during the 12-month period beginning on the date of the death of the servicemember.''.

(2) CONFORMING AMENDMENT.—Section 107 of the Servicemembers Civil Relief Act (50 U.S.C. App. 517) is amended by adding at the end the following:

''(e) OTHER INDIVIDUALS.—For purposes of this section, the term 'servicemember' includes any covered individual under section 303(f)(1).''.

(3) REPEAL OF SUNSET.—Subsection (c) of section 2203 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289; 50 U.S.C. App. 533 note) is amended to read as follows:

''(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.''.

(b) INCREASED CIVIL PENALTIES FOR MORTGAGE VIOLATIONS.—Paragraph (3) of section 801(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 597(b)(3)) is amended to read as follows:

''(3) to vindicate the public interest, assess a civil penalty—

''(A) with respect to a violation of section 303 regarding real property—

''(i) in an amount not exceeding $110,000 for a first violation; and

''(ii) in an amount not exceeding $220,000 for any subsequent violation; and

''(B) with respect to any other violation of this Act—

''(i) in an amount not exceeding $55,000 for a first violation; and

''(ii) in an amount not exceeding $110,000 for any subsequent violation.''.

(c) CREDIT DISCRIMINATION.—Section 108 of such Act (50 U.S.C. App. 518) is amended—

(1) by striking ''Application by'' and inserting ''(a) Application by''; and

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

''(b) In addition to the protections under subsection (a), an individual who is eligible, or who may likely become eligible, for any provision of this Act may not be denied or refused credit or be subject to any other action described under paragraphs (1) through (6) of subsection (a) solely by reason of such eligibility.''.

(d) REQUIREMENTS FOR LENDING INSTITUTIONS THAT ARE CREDITORS FOR OBLIGATIONS AND LIABILITIES COVERED BY THE SERVICEMEMBERS CIVIL RELIEF ACT.—Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

''(d) LENDING INSTITUTION REQUIREMENTS.—

''(1) COMPLIANCE OFFICERS.—Each lending institution subject to the requirements of this section shall designate an employee of the institution as a compliance officer who is responsible for ensuring the institution's compliance with this section and for distributing information to servicemembers whose obligations and liabilities are covered by this section.

''(2) TOLL-FREE TELEPHONE NUMBER.—During any fiscal year, a lending institution subject to the requirements of this section that had annual assets for the preceding fiscal year of $10,000,000,000 or more shall maintain a toll-free telephone number and shall make such telephone number available on the primary Internet Web site of the institution.''.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Maryland (Mr. CUMMINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. CUMMINGS. Mr. Chairman, I'm honored today to be joined by the ranking member of the Committee on Veterans Affairs and the Committee on Armed Services in offering an amendment to provide urgently needed help to servicemembers, veterans, and their families.

When Congress passed the Servicemembers Civil Relief Act, one of its many goals was to protect our men and women in uniform from being foreclosed upon while they're on active duty, serving our Nation abroad. Under current law, some of the protections in the act are scheduled to sunset at the end of this year. Unless Congress acts now, our servicemembers could be placed at greater risk.

Our amendment fixes that by eliminating the sunset provision and ensuring that foreclosure protections are extended for 12 months. In addition, our amendment ensures that soldiers serving in contingency operations do not have to worry about losing their homes, regardless of when they were purchased.

Our amendment also extends foreclosure protections to the surviving spouses of servicemembers who are killed in the line of duty. And our amendment extends foreclosure protections to veterans who are 100 percent disabled at the time of discharge due to injuries they received during their service.

Finally, the amendment prohibits banks from discriminating against servicemembers covered by the act, and it increases penalties against banks to deter future violations.

We crafted this amendment after more than a year of investigating cases in which servicemembers suffered illegal foreclosures. We heard directly from these servicemembers, veterans, banks, and government officials at multiple hearings and forums in both the House and Senate.

I also issued a staff report detailing how several mortgage servicing companies have now conceded that they violated the act. Frankly, this amendment should be a no-brainer. Every Member of this Chamber should be able to agree that our troops fighting overseas should not also have to fight here at home just to keep a roof over their heads and the heads of their families.

Our amendment is supported by the American Legion, the Veterans of Foreign Wars, Paralyzed Veterans of America, and Disabled American Veterans, all of whom have written letters of support.

We owe it to our men and women in uniform to take action now, and this amendment provides commonsense protections to those who deserve the most. I urge Members to vote in favor of this amendment.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of Florida. I do rise in opposition but not in strong opposition because I agree with what the gentleman from Maryland is attempting to do, but I need to oppose it for several reasons.

First, the Servicemembers Civil Relief Act is designed to strike a balance between the needs of a servicemember and their civilian obligations, and I don't believe that anybody in this body would ever do something that could make life more difficult for them.

The changes to SCRA made by this amendment are worthy of vetting under regular order through the Committee on Veterans Affairs. Currently, real estate protections apply to purchases made before being called to active duty. However, section (A)(3) of the amendment would extend SCRA coverage to real estate purchased at any time, including while on active duty under certain circumstances.

□ 2210

That section alone makes a significant change to a provision that is over 70 years old. And while I don't necessarily oppose such an extension, we need to get the views of the major stakeholders, including the VA and the home mortgage industry.

Secondly, as written, some provisions are open to very wide interpretation. For example, there is a provision that provides a 12-month protection from foreclosure to those who are separated or retired because of a disability and rated by VA as permanently and totally disabled.

Since it's very rare that a servicemember would actually leave the military with a 100 percent rating from the VA and the VA adjudication process, as most of us know, can take months, if not years in some cases, how would this provision be implemented? That is left unclear in this amendment. For example, would a bank be required to give back a foreclosed home if the veteran was found several years later to be rated as totally and permanently disabled?

The amendment also contains a significant increase in penalties for violating SCRA provisions. And again, while I don't necessarily oppose the change, I think we need to hear from the legal community on these provisions.

With that, I reserve the balance of my time.

Mr. CUMMINGS. First of all, may I inquire as to how much time we have, Mr. Chairman?

The Acting CHAIR. The gentlemen on both sides have 2½ minutes remaining.

Mr. CUMMINGS. I yield 1½ minutes to the ranking member of the Armed Services Committee, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, I support this amendment.

I think Mr. MILLER raises some justifiable concerns about how much we're going to need to look into this further as we go forward. I believe we can be committed to doing that in conference and have that conversation.

But the biggest reason to pass this is because of the first thing it does, and that extends the current law that is set to expire for servicemembers who are deployed not being foreclosed. We have passed it in this Chamber; it has not passed in the Senate. If we put this into the Defense authorizing bill, it gives us another bite at the apple, another chance to make sure this passes without being sunsetted.

And then the other provisions I think are worthy expansions of the protection.

Now, just so we're clear, it doesn't expand it forever so that someone who's 100 percent service disabled would never be foreclosed upon. It merely gives the judge greater discretion to prohibit that foreclosure as long as justice would require, which I think is good protection for people who

are 100 percent service disabled and for surviving spouses and for the others that are added to this.

I think there is cause to further vet this. I personally pledge to work with the majority as we go forward to do that, but I think the amendment is worthy of support because of how important this issue is.

Mr. MILLER of Florida. I appreciate the ranking member drawing attention to the fact that this is bottled up in the Senate, even though it has passed the House in regards to the extending of the sunset provisions of the SCRA.

I would say that, to confirm our concerns, my staff actually talked with an expert on SCRA who was the author of the 2003 major revisions, and here were some of his concerns:

Nothing mandates that a deployed servicemember give notice of their deployment to the financial institution. Without this information, how will the institution know that the servicemember is now covered by these new protections under SCRA?

The current Web site that financial institutions use to see if somebody is on active duty does not differentiate between deployed and nondeployed, thereby making it extremely difficult for the financial institution to keep track.

What is going to be the duration of the protection for surviving spouses—which is something Mr. SMITH just brought up—and disabled veterans? Indefinitely? He says no. But will institutions be discouraged from making loans to servicemembers because of this potential problem?

If we believe that we should expand this protection to mortgages, why not extend the protections to other areas?

These are the types of complex questions that really should be thought out and reviewed by experts in this area under regular order. That is why we have committees in this process.

With that, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, in reference to the argument about the deployment and notice, the Department of Defense has a long-standing database in place that lenders currently utilize to access this information, and I think that that would be sufficient with regard to that.

The question that the gentleman raises, Mr. MILLER, is a very good one with regard to the 100 percent disability. The amendment I've offered does not include those rated 100 percent disabled after multiple appeals. It only applies to those rated 100 percent disabled at the time of discharge. And you're probably right; it won't be but so many people.

Mr. MILLER of Florida. Will the gentleman yield?

Mr. CUMMINGS. I yield to the gentleman.

Mr. MILLER of Florida. I believe it says rated by VA. DOD makes a rating when you separate from service, and it says, VA. That is a problem because of the time that it takes for VA to do their rating.

Mr. CUMMINGS. Reclaiming my time, when we checked with VA within the last 2 hours, they said that the average is about 188 days. But be that as it may, I go back to what the ranking member said—we really ought to get this into conference. If there are issues that the gentleman is concerned about, perhaps they could be worked out at that time. But we've got servicemembers who are being abused right now. I know that, as chairman of Veterans', I know the gentleman wants to make sure that he protects our veterans.

So with that, I yield back the balance of my time.

Mr. MILLER of Florida. I would say that absolutely, if this were just an extension of SCRA to get past the sunset provisions, we would not have a problem with that. But I know, as any other Member in here, that the last thing we would want to do is to cause a problem for our veterans without thinking through all the potential consequences.

I would note that Mr. CUMMINGS introduced an identical piece of legislation, H.R. 5737, earlier this week, which would give the Committee on Veterans' Affairs an opportunity to review these issues. I would ask the gentleman to give our committee an opportunity to review this proposal in bill form through regular order. I pledge my commitment to work with you to make sure that your concerns are addressed in proper fashion.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. CUMMINGS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CUMMINGS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland will be postponed.

AMENDMENT NO. 29 OFFERED BY MR. SABLAN

The Acting CHAIR. It is now in order to consider amendment No. 29 printed in House Report 112–485.

Mr. SABLAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle C of title X, add the following new section:

SEC. 1023. OVERHAUL, REPAIR, AND MAINTENANCE OF VESSELS IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Subsection (a) of section 7310 of title 10, United States Code, is amended—

(1) by striking ''the United States or Guam'' each place it appears and inserting ''the United States, Guam, or the Commonwealth of the Northern Mariana Islands''; and

(2) in the heading for such subsection, by striking ''UNITED STATES OR GUAM'' and inserting ''UNITED STATES, GUAM, OR COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS''.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

Mr. SABLAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say at the outset that my amendment requires absolutely no Federal spending, nor is it in any way a precursor to future Federal spending. All I am proposing is that private businesses that may want to invest in the Northern Marianas and offer ship repair services to the United States military not be barred from that investment by Federal law.

We often hear it said that the Federal Government should not pick winners and losers. Yet under current law, naval vessels with a home port in the U.S. are prohibited from being overhauled, repaired, or maintained in a shipyard in the Northern Mariana Islands. My amendment fixes that inequity. It proposes to include the Northern Marianas as a U.S. jurisdiction where our military vessels may be serviced. It opens the opportunity for private businesses to do this work in the Marianas.

Businesses may not take advantage of the opportunity, we do not know, but there is no reason for our laws to foreclose this investment if it is feasible from a business point of view.

We also do not know whether the Navy will ever need repair capacity in the Northern Marianas, but we do know that the Department of Defense is realigning our forces to focus on Asia and the Pacific. We know that one area of impending buildup of military assets is the Marianas. So although there are sufficient repair facilities now, it would make good strategic sense for the Navy to have the option at least to repair its vessels in any U.S. jurisdiction in the Pacific region if that ever becomes necessary.

I can say for the record that the Navy has told me it has no opposition to my amendment. Governor Calvo, the Republican Governor of Guam, and the management of Guam's shipyard, who might be concerned about competition, instead actively support my proposal. They recognize that repair facilities in the Northern Marianas could at some point complement, not compete, with Guam and build the regional economy.

□ 2220

Governor Fitial, Republican Governor of the Northern Marianas, also supports changing the Federal law. The Marianas have been hit hard by recession. Lifting the existing prohibition on business investment could help our economy and help create jobs.

I urge my colleagues to support this no-cost, commonsense amendment, and I reserve the balance of my time.

OFFICE OF THE GOVERNOR OF GUAM,
Adelup, Guam, May 17, 2012.

Hon. HOWARD ''BUCK'' MCKEON,
House of Representatives,
Washington, DC.

Hon. ADAM SMITH,
House of Representatives,
Washington, DC

DEAR CHAIRMAN MCKEON AND RANKING MEMBER SMITH: In 2008, Congress passed PL 110–229, the Consolidated Natural Resources Act of 2008. This legislation was designed to alleviate the economic disadvantages created by the changes in visa requirements for our northern neighbor, the Commonwealth of the Northern Mariana Islands (CNMI), thus ensuring that the CNMI would be on equal footing with the rest of the United States in regard to economic development opportunities.

In order to avoid adverse economic impact on the CNMI PL 110–229 emphasized the economic synergies that could be generated from a regional economic approach which included Guam and the CNMI, as evidenced by PL 110–229's creation of the Guam-CNMI Visa Waiver Program.

Another area of economic opportunity for the CNMI that I believe could be generated through the regional economic approach is the amendment to 10 USC Sec. 7310 to allow U.S. Navy and U.S. flagged vessels to be repaired in the CNMI, as well as in the United States and Guam. The law was amended in 2006 to include Guam, and it would economically benefit the CNMI if it was further amended to include the CNMI. Already, I understand that several companies have expressed interest in establishing a ship repair facility in the CNMI, and I believe that such an economic opportunity would be consistent with regional economic intent of PL 11–229.

In order to expedite the elimination of this current barrier to the CNMI's development, Representative Sablan of the CNMI has submitted H.R. 4338. Respectfully, I request your positive consideration and support of H.R. 4338. I believe H.R. 4338 would ensure that our region is able to both benefit from the incredible changes which are taking place in our communities, as well as to allow us to support the vital needs of the United States in the future to the maximum extent of which we are capable. Thank you for your consideration of my request.

SINCERELY,
EDDIE BAZA CALVO.

GUAM SHIPYARD,
NAVAL ACTIVITIES BRANCH,
Santa Rita, Guam, May 18, 2012.

Hon. MADELEINE Z. BORDALLO,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN BORDALLO: I write in support of legislation to expand domestic ship repair locations covered by Section 7310 of Title 10 to include the Commonwealth of the Northern Mariana Islands (CNMI).

Currently, Section 7310 requires that vessels under the jurisdiction of the Secretary of the Navy, with a homeport in the United States or Guam, be overhauled, repaired and maintained in the United States or Guam, except in the case of voyage repairs. In March 2012 Congressman Sablan of the CNMI introduced H.R. 4338 which would amend Subsection (a) of Section 7310 10 by striking ''the United States, or Guam'' in each place where it appears, and replacing it with ''the United States, Guam, or the Commonwealth of the Northern Mariana Islands''. More recently, Congressman Sablan offered an amendment to H.R. 4310, the National Defense Authorization Act for FY–13, which would have the same effect.

At present, there is no shipyard in CNMI capable of overhaul, repair and maintenance of Navy ships. However, Guam Shipyard is in discussions with Governor Fitial, about leasing land at the Seaport to set up a small ship repair facility in Saipan. We believe there is a market there for fishing and other small vessels, and perhaps even small Navy vessels. However, the water depth and other physical constraints of the harbor at Saipan would not permit its use to overhaul, repair and maintain the large Navy ships which form the bulk of the work at Guam Shipyard. Thus, the shipyard we contemplate opening in Saipan would not compete with Guam Shipyard for the work it currently performs for the Navy.

As always, we greatly appreciate the leadership and long-standing support you have provided on behalf of domestic repair of Navy vessels, and especially ship repair in Guam. Your dedicated engagement in Washington on behalf of Guam Shipyard, has been instrumental in ensuring it remains a shipyard facility, ready and able to meet Navy ship repair requirements in the Western Pacific, now and in the future.

Sincerely,

MATHEWS POTHEN,
President and Chief Executive Officer.

Mr. MCKEON. Mr. Chair, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. I yield 2 minutes to the gentlewoman from Hawaii (Ms. HANABUSA), my friend and colleague on the committee.

Ms. HANABUSA. Mr. Chair, I rise in opposition to the Sablan amendment. The reason is that it really is not necessary at this time and, at this period of time when we have budget issues and we have sequestration issues, we don't need to tackle this one as well.

What the amendment seeks is to amend 10 USC 7310 subsection A, which basically states U.S. Navy vessels home ported in the United States or Guam may not be overhauled, repaired, or maintained in shipyards outside the United States or Guam, except for voyage repairs. This is being sought to be amended to include CNMI.

I'd like to say, first of all, that I understand perfectly well why my good friend and colleague from the Northern Mariana Islands wants to do this. I mean, he's representing his constituents. But the points against it are overwhelming.

First of all, the Navy states it has the requirement for a public or private sector ship maintenance facility in CNMI. And also the Navy currently says it can conduct repairs in CNMI, but there is limited pier space and no drydocking capability, and that they can do the work elsewhere for the Navy and for the Military Sealift Command.

In addition to that, the shipyard repair capacity in both public and private shipyards exists today in Pearl Harbor, Hawaii, Bremerton, Washington, and Guam for both the U.S. Navy and the MSC ships.

Now, the Navy has no future requirement for the repair capacity in the Pacific region. And it's been testified to that the buildup on Guam does not create a demand for additional ship repair capacity. So the Navy's current regional ship maintenance work log only minimally supports the current maintenance facilities in Guam, and we don't need any additional facilities.

In addition to that, the Navy officials have stated there is not enough U.S. Navy or MSC work in current and future operating plants. It is for these reasons that I regretfully oppose the amendment.

Mr. SABLAN. Mr. Chairman, I agree with my good friend and colleague from Hawaii that there is no need for large vessel repairs. Those are being presently performed in Honolulu, Hawaii, or on Guam. Actually, the letter to Ms. BORDALLO from Guam shipyard actually says this. It says the water depth and other physical constraints of the harbor of Saipan would not permit its use to overhaul, repair, and maintain large Navy ships, which form the bulk of work at Guam shipyard. So there is no disagreement with my good friend from Hawaii on this.

Thus, the shipyard we contemplate opening in Saipan would not compete with Guam shipyard for the work it currently performs for the Navy.

We're not asking for anything here. We're just asking for the authorization. It may not happen. But then again, it may. And we're not asking for money here. We're asking for authorization so that private businesses who want to do it, who find some capacity to do it, can come in and establish a shipyard or a small repair yard on Saipan in the Northern Marianas and do the work and compete for the business. And that's what we need to do here.

I reserve the balance of my time.

Mr. MCKEON. How much time do we each have?

The Acting CHAIR. The gentleman from California has 3 minutes. The gentleman from the Northern Mariana Islands has 1¾ minutes.

Mr. MCKEON. And we have the right to close?

The Acting CHAIR. That is correct.

Mr. MCKEON. We just have one more speaker, so I will reserve the balance of my time.

Mr. SABLAN. Mr. Chairman, I have no more speakers. I just urge my colleagues to join me in support of the amendment.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield the balance of our time to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Chairman, I thank the gentleman for yielding, and I want to join the distinguished lady from Hawaii in opposing this amendment, and also in her complimenting the gentleman who brought it. I know his motives are very good in trying to create jobs in his area.

The problem we have, as the gentlelady from Hawaii has stated, is that we already have authority to conduct repairs in the Mariana Islands at this particular point in time. The problem is that there's limited pier space, and there's no drydock capability.

To allow private sectors to invest huge monies, or to come back here later after we get the authorization to say we want more money from Congress to appropriate there would not be appropriate because, as the gentlelady from Hawaii said, we already have sufficient capacity, both in Pearl Harbor, in Washington, in California, and in Guam.

And to show that there are no requirements for this further ship repair capacity in the Pacific region, you can just look at last year, where the absence of need was perhaps best exemplified by the fact that the Navy only received one bid when it had a proposal from shipyards in the Pacific region for a long-term operating lease for the Guam ship repair facility property, and that bid was from the current Guam shipyard operator.

The distance from overseas home ports and from the regions in which the MSC ships operates makes a shipyard in the Mariana Islands prohibitive in terms of operating costs to and from there.

So, Mr. Chairman, I hope that Congress will not go down this line. At this particular point in time, the Navy has absolutely no additional requirements or needs that they have for this particular yard there. We are struggling, at this particular point in time, to keep the other yards going with the capacity that we currently have, and to invest this kind of investment there when we're not going to be able to take advantage of it would not be appropriate for us to do, this body at this time.

So with that, Mr. Chairman, I hope that we will defeat this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SABLAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from the Northern Mariana Islands will be postponed.

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Chairman, pursuant to H. Res. 661, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 3 consisting of amendment Nos. 35, 37, 44, 60, 63, 69, 71, 80, 84, 86, 87, 91, 94, 109, 110, 117, 130, 137, and 140, printed in House Report No. 112–485, offered by Mr. MCKEON of California:

AMENDMENT NO. 35 OFFERED BY MS. BROWN OF FLORIDA

At the end of subtitle G of title X of division A, add the following:

SEC. 10___. AUTHORITY FOR CORPS OF ENGINEERS TO CONSTRUCT PROJECTS CRITICAL TO NAVIGATION SAFETY.

The Secretary of the Army, acting through the Chief of Engineers, may accept non-Federal funds and use such funds to construct a navigation project that has not been specifically authorized by law if—

(1) the Secretary has received a completed Chief of Engineers' report for the project;

(2) the project is fully funded by non-Federal sources using non-Federal funds; and

(3) the Secretary finds that the improvements to be made by the project are critical to navigation safety.

AMENDMENT NO. 37 OFFERED BY MR. BACA OF CALIFORNIA

At the end of subtitle H of title X, add the following new section:

SEC. 1084. RIALTO-COLTON BASIN, CALIFORNIA, WATER RESOURCES STUDY.

(a) IN GENERAL.—Not later than 2 years after funds are made available to carry out this Act, the Secretary of the Interior, acting through the Director of the United States Geological Survey, shall complete a study of water resources in the Rialto-Colton Basin in the State of California (in this section referred to as the ''Basin''), including—

(1) a survey of ground water resources in the Basin, including an analysis of—

(A) the delineation, either horizontally or vertically, of the aquifers in the Basin, including the quantity of water in the aquifers;

(B) the availability of ground water resources for human use;

(C) the salinity of ground water resources;

(D) the identification of a recent surge in perchlorate concentrations in ground water, whether significant sources are being flushed through the vadose zone, or if perchlorate is being remobilized;

(E) the identification of impacts and extents of all source areas that contribute to the regional plume to be fully characterized;

(F) the potential of the ground water resources to recharge;

(G) the interaction between ground water and surface water;

(H) the susceptibility of the aquifers to contamination, including identifying the extent of commingling of plume emanating within surrounding areas in San Bernardino County, California; and

(I) any other relevant criteria; and

(2) a characterization of surface and bedrock geology of the Basin, including the effect of the geology on ground water yield and quality.

(b) COORDINATION.—The Secretary shall carry out the study in coordination with the State of California and any other entities that the Secretary determines to be appropriate, including other Federal agencies and institutions of higher education.

(c) REPORT.—Upon completion of the study, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study.

AMENDMENT NO. 44 OFFERED BY MS. GRANGER OF TEXAS

At the end of subtitle D of title XII of division A of the bill, add the following:

SEC. 12xx. SALE OF F–16 AIRCRAFT TO TAIWAN.

The President shall carry out the sale of no fewer than 66 F–16C/D multirole fighter aircraft to Taiwan.

AMENDMENT NO. 60 OFFERED BY MR. CARSON OF INDIANA

At the end of subtitle E of title III, add the following new section:

SEC. 3___. SURVEY AND REPORT ON PERSONAL PROTECTION EQUIPMENT NEEDED BY MEMBERS OF THE ARMED FORCES DEPLOYED ON THE GROUND IN COMBAT ZONES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, when sending members of the United States Armed Forces into combat, the United States has an obligation to ensure that—

(1) the members are properly equipped with the best available protective equipment and supplies; and

(2) the members, or their family and friends, never feel compelled to purchase additional equipment and supplies to be safer in combat.

(b) SURVEY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct an anonymous survey among members and former members of the Armed Forces who were deployed on the ground in a combat zone since September 11, 2001, requesting information on what kinds of personal protection equipment (such as body armor and ballistic eyewear) the member believes should have been provided to members during deployment but were not provided. The Secretary shall include in the survey questions about whether members, their families, or other persons purchased any personal protection equipment because the Armed Forces did not provide the equipment and the types and quantity of equipment purchased.

(c) REPORT ON RESULTS OF SURVEY.—Not later than 180 days after the completion of the survey required by subsection (b), the Secretary of Defense shall submit to Congress a report——

(1) describing the results of the survey;

(2) describing the types and quantity of personal protection equipment not provided by the Armed Forces and purchased instead by or on behalf of members of the Armed Forces to protect themselves;

(3) explaining why such personal protection equipment was not provided; and

(4) recommending future funding solutions to prevent the omission in the future.

AMENDMENT NO. 63 OFFERED BY MR. SMITH OF WASHINGTON

At the end of subtitle B of title III, add the following new section:

SEC. 3___. AUTHORITY OF SECRETARY OF A MILITARY DEPARTMENT TO ENTER INTO COOPERATIVE AGREEMENTS WITH INDIAN TRIBES FOR LAND MANAGEMENT ASSOCIATED WITH MILITARY INSTALLATIONS AND STATE-OWNED NATIONAL GUARD INSTALLATIONS.

(a) INCLUSION OF INDIAN TRIBES.—Section 103A(a) of the Sikes Act (16 U.S.C. 670c–1(a)) is amended in the matter preceding paragraph (1) by inserting ''Indian tribes,'' after ''local governments,''.

(b) INDIAN TRIBE DEFINED.—Section 100 of such Act (16 U.S.C. 670) is amended by adding at the end the following new paragraph:

''(6) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.''.

AMENDMENT NO. 69 OFFERED BY MR. CRAVAACK OF MINNESOTA

At the end of section 352 (page 119, after line 9), add the following new subsection:

(e) SENSE OF CONGRESS ON THE ESSENTIAL SERVICE PROVIDED BY FIGHTER WINGS PERFORMING AEROSPACE CONTROL ALERT MISSIONS.—It is the sense of Congress that fighter wings performing the 24-hour Aerospace Control Alert missions provide an essential service in defending the sovereign airspace of the United States in the aftermath of the terrorist attacks upon the United States on September 11, 2001.

AMENDMENT NO. 71 OFFERED BY MR. CUMMINGS OF MARYLAND

Page 142, line 23, insert ''(and the Secretary of Homeland Security in the case of the Coast Guard)'' after ''Defense''.

Page 143, line 18, insert ''(and the Secretary of Homeland Security in the case of the Coast Guard)'' after ''Defense''.

Page 144, line 7, insert ''(and the Secretary of Homeland Security in the case of the Coast Guard)'' after ''Defense''.

Page 144, line 9, insert ''and the Secretary of Homeland Security'' after ''Defense''.

Page 144, line 10, insert ''the Commandant of the Coast Guard,'' after ''Staff,''.

Page 145, after line 24, insert the following new subsection:

(c) COAST GUARD REPORT.—

(1) ANNUAL REPORT REQUIRED.—The Secretary of Homeland Security shall prepare an annual report addressing diversity among commissioned officers of the Coast Guard and Coast Guard Reserve and among enlisted personnel of the Coast Guard and Coast Guard Reserve. The report shall include—

(A) an assessment of the available pool of qualified candidates for the flag officer grades of admiral and vice admiral;

(B) the number of such officers and personnel, listed by sex and race or ethnicity for each rank;

(C) the number of such officers and personnel who were promoted during the year covered by the report, listed by sex and race or ethnicity for each rank; and

(D) the number of such officers and personnel who reenlisted or otherwise extended the commitment to the Coast Guard during the year covered by the report, listed by sex and race or ethnicity for each rank.

(2) SUBMISSION.—The report under paragraph (1) shall be submitted each year not later than 45 days after the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31, United States Code. Each report shall be submitted to the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Homeland Security of the House of Representatives, and the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate.

Page 168, line 14, insert ''(and the Secretary of Homeland Security in the case of the Coast Guard)'' after ''Secretary of Defense''.

Page 168, line 17, insert ''and the Coast Guard'' after ''Department of Defense''.

Page 169, lines 5 and 6, insert ''and the Coast Guard'' after ''Department of Defense''.

Page 169, line 14, insert ''(and the Secretary of Homeland Security in the case of the Coast Guard)'' after ''Secretary of Defense''.

Page 169, line 17, strike ''the Secretary of Defense considers'' and insert ''the Secretaries consider''.

Page 169, line 24, insert ''(and the Secretary of Homeland Security in the case of the Coast Guard)'' after ''Secretary of Defense''.

AMENDMENT NO. 80 OFFERED BY MR. THOMPSON OF CALIFORNIA

At the end of subtitle F of title V, add the following new section:

SEC. 5___. ADVANCEMENT OF BRIGADIER GENERAL CHARLES E. YEAGER, UNITED STATES AIR FORCE (RETIRED), ON THE RETIRED LIST.

(a) ADVANCEMENT.—Brigadier General Charles E. Yeager, United States Air Force (retired), is entitled to hold the rank of major general while on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of Charles E. Yeager on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which Charles E. Yeager is now or may in the future be entitled based upon his military service or affect any benefits to which any other person may become entitled based on his service.

AMENDMENT NO. 84 OFFERED BY MR. SMITH OF WASHINGTON

At the end of subtitle H of title V, add the following new section:

SEC. 5___. DEPARTMENT OF DEFENSE SEXUAL ASSAULT AND HARASSMENT OVERSIGHT AND ADVISORY COUNCIL.

(a) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 188. Sexual Assault and Harassment Oversight and Advisory Council

''(a) ESTABLISHMENT.—There is a Sexual Assault and Harassment Oversight and Advisory Council (in this section referred to as the 'Council').

''(b) MEMBERSHIP.—(1) The Council shall be comprised of individuals appointed by the Secretary of Defense who are experts and professionals in the fields of sexual assault and harassment, judicial proceedings involving sexual assault or harassment, or treatment for sexual assault or harassment. At a minimum, the Council shall include as members the following:

''(A) The Director of the Sexual Assault Prevention and Response Office of the Department of Defense.

''(B) The Judge Advocates General of the Army, Navy, and Air Force.

''(C) A judge advocate from the Army, Navy, Air Force, and Marine Corps with experience in prosecuting sexual assault cases.

''(D) A Department of Justice representative with experience in prosecuting sexual assault cases.

''(E) An individual who has extensive experience in providing assistance to sexual assault victims.

''(F) An individual who has expertise the civilian judicial system with respect to sexual assault.

''(2) Subject to paragraph (3), members shall be appointed for a term of two years. A member may serve after the end of the member's term until the member's successor takes office.

''(3) If a vacancy occurs in the Council, the vacancy shall be filled in the same manner as the original appointment. A member of the Council appointed to fill a vacancy occurring before the end of the term for which the member's predecessor was appointed shall only serve until the end of such term.

''(c) CHAIRMAN; MEETINGS.—(1) The Council shall elect a chair from among its members.

''(2) The Council shall meet not less often than once every year.

''(3) If a member of the Board fails to attend two successive Board meetings, except in a case in which an absence is approved in advance, for good cause, by the Board chairman, such failure shall be grounds for termination from membership on the Board. A person designated for membership on the Board shall be provided notice of the provisions of this paragraph at the time of such designation.

''(d) ADMINISTRATIVE PROVISIONS.—(1) Each member of the Council who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for Executive Schedule Level IV under section 5315 of title 5, for each day (including travel time) during which such member is engaged in the performance of the duties of the Council. Members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

''(2) The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Council.

''(e) RESPONSIBILITIES.—The Council shall be responsible for providing oversight and advice to the Secretary of Defense and the Secretaries of the military departments on the activities and implementation of policies and programs developed by the Sexual Assault Prevention and Response Office, including any modifications to the Uniform Code of Military Justice, in response to sexual assault and harassment.

''(f) ANNUAL REPORT.—Not later than March 31 of each year, the Council shall submit to the Secretary of Defense and the congressional defense committees a report that describes the activities of the Council during the preceding year and contains such recommendations as the Council considers appropriate to improve sexual assault prevention and treatment programs and policies of the Department of Defense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''188. Sexual Assault and Harassment Oversight and Advisory Council.''.

AMENDMENT NO. 86 OFFERED BY MR. TERRY OF NEBRASKA

At the end of title V, add the following new section:

SEC. 5___. MILITARY SALUTE DURING RECITATION OF PLEDGE OF ALLEGIANCE BY MEMBERS OF THE ARMED FORCES NOT IN UNIFORM AND BY VETERANS.

Section 4 of title 4, United States Code, is amended by adding at the end the following new sentence: ''Members of the Armed Forces not in uniform and veterans may render the military salute in the manner provided for persons in uniform.''.

AMENDMENT NO. 87 OFFERED BY MR. CARSON OF INDIANA

At the end of subtitle A of title VII, add the following new section:

SEC. 704. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1074m of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by redesignating subparagraph (B) and (C) as subparagraph (C) and (D), respectively; and

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

''(B) Once during each 180-day period during which a member is deployed.''; and

(2) in subsection (c)(1)(A)—

(A) in clause (i), by striking ''; and'' and inserting a semicolon; and

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

''(ii) by personnel in deployed units whose responsibilities include providing unit health care services if such personnel are available and the use of such personnel for the assessments would not impair the capacity of such personnel to perform higher priority tasks; and''.

(b) CONFORMING AMENDMENT.—Section 1074m(a)(2) of title 10, United States Code, is amended by striking ''subparagraph (B) and (C)'' and inserting ''subparagraph (C) and (D)''.

AMENDMENT NO. 91 OFFERED BY MS. JACKSON LEE OF TEXAS

At the end of subtitle C of title VII, add the following new section:

SEC. 725. INCREASED COLLABORATION WITH NIH TO COMBAT TRIPLE NEGATIVE BREAST CANCER.

The Office of Health of the Department of Defense shall work in collaboration with the National Institutes of Health to—

(1) identify specific genetic and molecular targets and biomarkers for triple negative breast cancer; and

(2) provide information useful in biomarker selection, drug discovery, and clinical trials design that will enable both—

(A) triple negative breast cancer patients to be identified earlier in the progression of their disease; and

(B) the development of multiple targeted therapies for the disease.

AMENDMENT NO. 94 OFFERED BY MR. RIVERA OF FLORIDA

At the end of subtitle A of title VIII (page 297, after line 23), insert the following new section:

SEC. 802. PROHIBITION ON CONTRACTING WITH PERSONS THAT HAVE BUSINESS OPERATIONS WITH STATE SPONSORS OF TERRORISM.

(a) PROHIBITION.—The Department of Defense may not enter into a contract for the procurement of goods or services with any person that has business operations with a state sponsor of terrorism.

(b) DEFINITIONS.—In this section:

(1) STATE SPONSOR OF TERRORISM.—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—

(A) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act);

(B) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371); or

(C) section 40 of the Arms Export Control Act (22 U.S.C. 2780).

(2) BUSINESS OPERATIONS.—The term ''business operations'' means engaging in commerce in any form, including acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(3) PERSON.—The term ''person'' means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in subparagraph (A) or (B).

AMENDMENT NO. 109 OFFERED BY MR. MEEHAN OF PENNSYLVANIA

At the end of title X, add the following new section:

SEC. 10___. REPORT ON DESIGNATION OF BOKO HARAM AS A FOREIGN TERRORIST ORGANIZATION.

(a) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this section, the Secretary of State shall submit to the appropriate congressional committees—

(A) a detailed report on whether the Nigerian organization named ''People Committed to the Propagation of the Prophet's Teachings and Jihad'' (commonly known as ''Boko Haram''), meets the criteria for designation as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

(B) if the Secretary of State determines that Boko Haram does not meet such criteria, a detailed justification as to which criteria have not been met.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex if appropriate.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to infringe upon the sovereignty of Nigeria to combat militant or terrorist groups operating inside the boundaries of Nigeria.

AMENDMENT NO. 110 OFFERED BY MR. POMPEO OF KANSAS

At the end of subtitle H of title X of division A, add the following new section:

SEC. 10___. SENSE OF CONGRESS ON RECOGNIZING AIR MOBILITY COMMAND ON ITS 20TH ANNIVERSARY.

(a) FINDINGS.—Congress finds the following:

(1) On June 1, 1992, Air Mobility Command was established as the Air Force's functional command for cargo and passenger delivery, air refueling, and aeromedical evacuation.

(2) As the lead Major Command for all Mobility Air Forces, Air Mobility Command ensures that the Air Force's core functions of global vigilance, power, and reach are fulfilled.

(3) The ability of the United States to rapidly respond to humanitarian disasters and the outbreak of hostilities anywhere in the world truly defines the United States as a global power.

(4) Mobility Air Forces Airmen are unified by one single purpose: to answer the call of others so they may prevail.

(5) The United States' hand of friendship to the world many times takes the form of Mobility Air Forces aircraft delivering humanitarian relief. Since its inception, Air Mobility Command has provided forces for 43 humanitarian relief efforts at home and abroad, from New Orleans, Louisiana, to Bam, Iran.

(6) A Mobility Air Forces aircraft departs every 2 minutes, 365 days a year. Since September 11, 2001, Mobility Air Forces aircraft have flown 18.9 million passengers, 6.8 million tons of cargo, and offloaded 2.2 billion pounds of fuel. Many of these flights have assisted combat aircraft protection United States forces from overhead.

(7) The United States keeps its solemn promise to its men and women in uniform with Air Mobility Command, accomplishing 186,940 patient movements since the beginning of Operation Iraqi Freedom.

(8) Mobility Air Forces Airmen reflect the best values of the Nation: delivering hope, saving lives, and fueling the fight.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, on the occasion of the 20th anniversary of the establishment of Air Mobility Command, the people of the United States should—

(1) recognize the critical role that Mobility Air Forces play in the Nation's defense; and

(2) express appreciation for the leadership of Air Mobility Command and the more than 134,000 active-duty, Air National Guard, Air Force Reserve, and Department of Defense civilians that make up the command.

AMENDMENT NO. 117 OFFERED BY MR. QUAYLE OF ARIZONA

At the end of title X, add the following new section:

SEC. 10___. CONSOLIDATION OF DATA CENTERS.

Section 2867 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 2223a note) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A), by inserting after ''April 1, 2012,'' the following: ''and each year thereafter,''; and

(B) by adding at the end the following new paragraph:

''(C) ADDITIONAL ELEMENT.—The performance plan required under this paragraph, with respect to plans submitted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, shall be consistent with the July 2011 Government Accountability Office report to Congress, entitled 'Data Center Consolidation Agencies Need to Complete Inventories and Plans to Achieve Expected Savings' (GAO–11–565), as updated by quarterly consolidation progress reports submitted by the Department of Defense to the Office of Management and Budget''; and

(2) in subsection (d)(1), by adding at the end the following: ''Beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, such report shall include progress updates on consolidation goals achieved during the preceding fiscal year consistent with the framework outlined by the July 2011 Government Accountability Office report to Congress, entitled 'Data Center Consolidation Agencies Need to Complete Inventories and Plans to Achieve Expected Savings' (GAO–11–565), as updated by quarterly consolidation progress reports submitted by the Department of Defense to the Office of Management and Budget.''

AMENDMENT NO. 130 OFFERED BY MS. JACKSON LEE OF TEXAS

Page 725, after line 6, insert the following (and conform the table of contents):

SEC. 1696. ASSESSMENT OF OUTREACH FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN AND MINORITIES REQUIRED BEFORE CONVERSION OF CERTAIN FUNCTIONS TO CONTRACTOR PERFORMANCE.

No Department of Defense function that is performed by Department of Defense civilian employees and is tied to a certain military base may be converted to performance by a contractor until the Secretary of Defense conducts an assessment to determine if the Department of Defense has carried out sufficient outreach programs to assist small business concerns owned and controlled by women (as such term is defined in section 8(d)(3)(D) of the Small Business Act) and small business concerns owned and controlled by socially and economically disadvantaged individuals (as such term is defined in section 8(d)(3)(C) of the Small Business Act) that are located in the geographic area near the military base.

AMENDMENT NO. 137 OFFERED BY MS. TSONGAS OF MASSACHUSETTS

At the end of title XXVIII, add the following new section:

SEC. 28___. MASSACHUSETTS INSTITUTE OF TECHNOLOGY—LINCOLN LABORATORY IMPROVEMENT PROJECT.

(a) IMPROVEMENT AND MODERNIZATION PROJECT.—The Secretary of the Air Force

may enter into discussions with the Massachusetts Institute of Technology for a project to improve and modernize the Lincoln Laboratory complex at Hanscom Air Force Base, Massachusetts. The project may include modifications and additions to research laboratories, office spaces, and supporting facilities necessary to carry out the mission of the Lincoln Laboratory as a Federally Funded Research and Development Center (in this section referred to as ''FFRDC''). Supporting facilities under the project may include infrastructure for utilities.

(b) USE OF FACILITIES.—The right of the Massachusetts Institute of Technology to use such facilities and equipment shall be as provided by the FFRDC Sponsoring Agreement and FFRDC contract between the Department of Defense and the Massachusetts Institute of Technology.

(c) RULE OF CONSTRUCTION REGARDING CONSTRUCTION AUTHORITY.—Nothing in this section shall be construed to authorize the Secretary of the Air Force to carry out a construction project at Hanscom Air Force Base, Massachusetts, unless such project is otherwise authorized by law.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in the FFRDC Sponsoring Agreement and the FFRDC contract as the Secretary of the Air Force considers appropriate to protect the interests of the United States.

AMENDMENT NO. 140 OFFERED BY MR. CUMMINGS OF MARYLAND

At the end of title XXXV add the following:

SEC. 35___. 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 Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall notify the Committees on Appropriations, Transportation and Infrastructure, and Armed Services of the House of Representatives and the Committees on Appropriations, Commerce, Science, and Transportation, and Armed Services 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 Secretary 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 subparagraph (A) are not feasible.''.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from California (Mr. MCKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

Mr. Chair, I yield 1 minute to my friend and colleague, the gentleman from Florida (Mr. RIVERA).

Mr. RIVERA. Mr. Chairman, right now, I believe many Americans would be surprised, perhaps shocked to know that there are foreign businesses that also do business with terrorist nations that are currently engaged in contract and procurement activity with the Pentagon, with the Department of Defense. This, I believe, and I think most Americans would believe, is not only a threat to American security, but it is also threatening American jobs because these foreign businesses are taking opportunities from American-based businesses that could be contracting and procuring with the Pentagon.

□ 2230

This amendment would prohibit businesses that engage in business activity with terrorist nations—and those are nations that have been officially designated as sponsors of terrorism by our own government—from contracting and procurement opportunities with the Department of Defense.

This is an issue of protecting not only American security but of protecting American jobs, and I encourage its passage.

Mr. SMITH of Washington. I yield 2 minutes to the gentleman from Indiana (Mr. CARSON).

Mr. CARSON of Indiana. Mr. Chairman, this en bloc amendment includes two of my amendments.

The first seeks to address what many consider to be a serious mistake made by our military and this Congress over the last decade of war, that is, allowing some of our troops, including several of my constituents, to deploy without certain equipment that they need to be safe in combat. Instead, these troops had to rely on their families and friends to send them this vital equipment.

My amendment calls on the DOD to survey troops who have served since September 11 in order to find out what, if any, equipment they did without and what equipment they relied on family and friends to send them.

I want to be clear. This is not an effort to condemn our military or the Armed Services Committee. In fact, I applaud their valuable efforts in this area. Yet, now that we are winding down our war in Afghanistan and we are out of Iraq, we need to understand our mistakes to avoid making them again in future conflicts.

My second amendment is very simply a reintroduction of language adopted last year by unanimous consent but that was, unfortunately, removed in conference.

It addresses the fact that our servicemembers deployed in Afghanistan only receive mental health assessments prior to deployment and after returning home. Yet it is during deployment—in combat—that these events leading to mental health issues are most likely to occur. Over months of deployment without diagnosis or treatment, their performances could suffer; they could develop dangerous addictions; and in tragic but far too common instances, they could hurt themselves or others.

My amendment requires the DOD to provide mental health assessments to our troops during deployment, improving the chances of catching and treating PTSD and other issues early.

I ask all of my colleagues to stand up for the physical safety and mental well-being of our troops.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Pennsylvania (Mr. MEEHAN).

Mr. MEEHAN. Thank you for yielding, Mr. Chairman.

I rise today to urge the support for my amendment, which requires the Secretary of State to submit a report to the Congress explaining whether Boko Haram meets the criteria for designation as a foreign terrorist organization. If the Secretary determines that Boko Haram does not merit a foreign terrorist organization designation, the amendment would require the Secretary to inform Congress which criteria are not met.

Mr. Chairman, 6 months ago, the Department of Justice reached out to the Department of State in urging this determination. My committee, the Subcommittee on Counterterrorism and Intelligence, held hearings and issued a report identifying the activities of Boko Haram, which is an Islamist terrorist-based group based in Nigeria that has quickly evolved from wielding machetes to using deadly, vehicle-borne improvised explosive devices. This is the same kind of conduct that was conducted by other terrorist organizations, and only later did the Department identify them as FTOs.

I urge its support.

Mr. SMITH of Washington. I yield 1 minute to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank both the ranking member and the chair.

I have so much to say about this very passionate issue. I will quickly say that I have two amendments. One deals with outreach on behalf of small and minority businesses for defense contracts, and I truly believe it is enormously important for the vast number of those businesses; but I really rise today to talk about triple negative breast cancer, which has killed so many women.

I am very, very pleased to say that my amendment, with the Office of

Health within the Department of Defense, will identify specific genetic and molecular targets and biomarkers for triple negative breast cancer, provide information useful in biomarker selection, drug discovery, and clinical trial design that will enable both triple negative breast cancer patients to be identified in the progression of the disease and also to provide for therapies.

I do this in the loving memory of Yolanda Williams, whose funeral I spoke at last year. She was the daughter of Dr. Lois Moore and the wife of Mr. Williams, and she had two beautiful daughters. This wonderful, caring woman died so quickly because of triple negative breast cancer. Also, in the loving memory of Betty Sommer's daughter, Stacey Michelle Gaecke, she shares her story that she also died from triple negative breast cancer.

I ask for the support of my amendment.

Mr. Chair, I rise today in support of my amendment # 91 to H.R. 4310 ''National Defense Authorization Act,'' which would direct the Department of Defense Office of Health to work in collaboration with the National Institutes of Health to identify specific genetic and molecular targets and biomarkers for Triple Negative Breast Cancer, TNBC. In addition, my amendment is intended to result in information useful in biomarker selection, drug discovery, and clinical trials design that will enable both TNBC patients to be identified earlier in the progression of their disease and develop multiple targeted therapies for the disease.

Triple negative breast cancer is a specific strain of breast cancer for which no targeted treatment is available. The American Cancer Society calls this particular strain of breast cancer ''an aggressive subtype associated with lower survival rates.''

I offer this amendment in hopes that through a coordinated effort DOD and NIH can develop a targeted treatment for the triple negative breast cancer strain.

Breast cancers with specific, targeted treatment methods, such as hormone and gene based strains, have higher survival rates than the triple negative subtype, highlighting the need for a targeted treatment.

Today, breast cancer accounts for 1 in 4 cancer diagnoses among women in this country. It is also the most commonly diagnosed cancer among African American women. The American Cancer Society estimates that in 2011, more than 26,000 African American women will be diagnosed with breast cancer, and another 6,000 will die from the disease.

Between 2002 and 2007, African American women suffered a 39% higher death rate from breast cancer than other groups.

African American women are also 12% less likely to survive five years after a breast cancer diagnosis. One reason for this disparity is that African American women are disproportionally affected by triple negative breast cancer.

More than 30% of all breast cancer diagnoses in African Americans are of the triple negative variety. Black women are far more susceptible to this dangerous subtype than white or Hispanic women.

THE STORY OF YOLANDA WILLIAMS

Mr. Chair, last year, I spoke at a funeral for Yolanda Williams, one of my constituents in the 18th Congressional District of Texas. Yolanda died from her battle with triple negative breast cancer. Like many other women who are diagnosed with this aggressive strain, she did not respond to treatment. Yolanda, wife and mother of two daughters, was only 44 years old.

This strain of breast cancer is not only more aggressive, it is also harder to detect, and more likely to recur than other types. Because triple negative breast cancer is difficult to detect, it often metastasizes to other parts of the body before diagnosis. 70% of women with metastatic triple negative breast cancer do not live more than five years after being diagnosed.

Research institutions all over the nation have started to focus on this dangerous strain of breast cancer. In my home city of Houston, Baylor College of Medicine has its best and brightest minds working tirelessly to develop a targeted treatment for the triple negative breast cancer subtype. It is time for the Department of Defense to follow that example and commit additional funding to study the triple negative strain.

I urge my colleagues to join me in protecting women across the nation from this deadly form of breast cancer by supporting my amendment.

(FAST FACTS)

Breast cancer accounts for 1 in 4 cancer diagnoses among women in this country.

The survival rate for breast cancer has increased to 90% for White women but only 78% for African American women.

African American women are more likely to be diagnosed with larger tumors and more advanced stages of breast cancer.

Triple-negative breast cancer, TNBC, is a term used to describe breast cancers whose cells do not have estrogen receptors and progesterone receptors, and do not have an excess of the HER2 protein on their cell membrane of tumor cells.

Triple Negative Breast Cancer (TNBC) cells are:

Usually of a higher grade and size;

Onset at a younger age;

More aggressive;

More likely to metastasize.

TNBC also referred to as basal-like, BL, due to their resemblance to basal layer of epithelial cells.

There is not a formal detailed classification of system of the subtypes of these cells.

TNBC is in fact a heterogeneous group of cancers; with varying differences in prognosis and survival rate between various subtypes. This has led to a lot of confusion amongst both physicians and patients.

Apart from surgery, cytotoxic chemotherapy is the only available treatment, targeted molecular treatments while being investigated are not accepted treatment.

Between 10–17% of female breast cancer patients have the triple negative subtype.

Triple-negative breast cancer most commonly affect African-American women, followed by Hispanic women.

African-American women have prevalence TNBC of 26% vs 16% in non-African American women.

TNBC usually affects women under 50 years of age.

African American women have a prevalence of premenopausal breast cancer of 26% vs 16% for Non-African American women.

Women with TNBC are 3 times the risk of death than women with the most common type of breast cancer.

Women with TNBC are more likely to have distance metastases in the brain and lung and more common subtypes of breast cancer.

LETTER FROM BETTY SOMMER CAUSES FOR A CURE

It is with loving memory of my beautiful, loving, vivacious daughter, Stacey Michelle Gaecke, that I share her story. It is with great hope and fervent prayer that somehow, somewhere we will discover the unknown factors to be able to treat those unfortunate to be diagnosed with triple negative breast cancer.

I remember her sweet voice when she called to tell me that she had found a lump in her right breast, had made an appointment with her gynecologist, but was sure it wasn't anything and that I didn't need to come back to town to go with her as she would be fine. Of course, I was with her when her gynecologist acknowledged the mass in her breast, but indicated that because we had no history of breast cancer in our family and because of her tender young age, she truly felt that there was no reason for concern. Because my daughter-in-law was diagnosed with breast cancer at age 28, we knew that age and family history didn't mean there was no reason for concern. The doctor also agreed that next steps would be diagnostics.

On February 13, 2009 as she laid on the cold, hard table in the breast center, they told us, even before pathology, that they were relatively certain that it was breast cancer and that there was also lymph node involvement. I remember telling Stacey everything would be okay and with tears running down her cheeks, she said, ''I don't think so Mom.''

As anyone who has walked the cancer journey, the next weeks are a whirlwind of tests of all kinds, blood and lab tests and one doctor visit after another. When the path report came back and we were told that she had triple negative breast cancer, we knew it wasn't the best type to be diagnosed with, but had no idea how aggressive and deadly this sub-set of breast cancer is.

She had both a great oncologist and breast surgeon, but with the standard care of treatment currently administered; unfortunately, after weeks and weeks of chemo, this aggressive cancer began to grow again right before her bilateral mastectomy. After what appeared to be a successful surgery, although 9 of 13 lymph nodes showed involvement, she began with radiation that literally fried her skin and tissue to the point it looked like raw meat.

In October, 2009 her PET scan indicated that there was no cancer detected. We quickly learned not to use the words ''cancer free.'' In light of this great news, we took a family and friend cruise in November to celebrate her victory. It was a special time and even with the good news, I noticed that she was having trouble walking and complained of pain in her hips and legs. These symptoms continued, but none of the diagnostic testing showed any signs of cancer.

On Christmas Eve, 2009, Stacey ended up in the emergency room with a bad gallbladder and it was then doctors discovered that her breast cancer had metastasized to her lungs and her liver. When her surgeon showed our family pictures of her liver, it was unbelievable that in 2 short months her liver was close to 50% compromised. Triple negative breast cancer is extremely aggressive, fast spreading and seems to know how to dodge the chemicals and treatments that are currently given.

We took her home for Christmas knowing we would be lucky to have her with us for the next Holiday season. The following weeks revealed that there was also metastasis to the bones, which was what had been causing her pain even in November. From the time she came home at Christmas, she

lived in constant pain and had to be sedated heavily to the point that she slept most of the time.

She started on a clinical trial about the third week of January and with any success and with great hope, we could have our sweet girl with us for an anticipated 6 to 9 months. Because this cancer is so aggressive and so deadly, we left for a regular treatment on Friday, February 5th and within hours she was having unusual symptoms that sent us for testing, then to the hospital and on Monday, February 8th at 8:30 am, she took her last breath. We buried her on Saturday, February 13, 2010 . . . exactly one year from her diagnosis at age 39, leaving behind a husband and two sons, ages 10 and 12.

Within a year from her passing, we had another close friend, a beautiful young mom nearly the same age who left behind 3 beautiful children who will grow up without their mother. Young women and mothers are dying because, at this time, we are still treating with standard care of treatment. The same treatment for every type of breast cancer isn't going to stop the deaths of these young women. Triple negative resists this standard care of treatment and research is needed to identify specific genetic and molecular targets and biomarkers.

It is a mother's plea that we continue to find innovative research to put an end to, not only triple negative breast cancer, but to hopefully eradicate cancer within our lifetime.

RACE/ETHNICITY AND TRIPLE NEGATIVE BREAST CANCER

Worse survival for African American women with breast cancer has been reported by the National Cancer Institute Surveillance, Epidemiology, and End Results (SEER) registry, the Department of Defense database, large single-institution studies, and literature-based meta-analyses. After controlling for stage, demographics, socioeconomic variables, tumor characteristics, and treatment factors, racial disparity in survival existed among both premenopausal and postmenopausal women who were diagnosed with early-stage breast cancer. This racial disparity in survival among patients with early-stage breast cancer occurred in patients with both endocrine-responsive and nonresponsive tumors. African American women with breast cancer, especially those who are premenopausal, have a higher incidence of biologically more aggressive cancers with a basal-like subtype or that were triple negative (ie, lacking receptors for estrogen, progesterone, and HER2–neu).

The prevalence rates of the subtypes of breast cancer appear to differ by race. In studies of women in the United States and Britain, triple negative (or basal-like) tumors appear to be more common among black women, especially those who are premenopausal, compared to white women.

Distribution patterns of established breast cancer risk factors among 890 young breast cancer cases and 3,432 population-based controls

Mr. Chair, I rise to support my amendment #130 to H.R. 4310 ''National Defense Authorization Act,'' would require the Secretary of Defense prior to the awarding of defense contract to private contractors, to conduct an assessment to determine whether or not the Department of Defense has carried out sufficient outreach programs to include minority and women-owned small business.

Throughout my tenure in Congress, I have sponsored legislation that promotes diversity. I stand proudly before you today to call for renewed vigor in advocating and constructing effective policies that will make the United States the most talented, diverse, effective, and powerful workforce in an increasingly globalized economy.

This amendment will require the Department of Defense to consider the impact that changes to outsourcing guidelines will have on small minority and women owned business by requiring them to engage with these businesses.

Promoting diversity is more than just an idea it requires an understanding that there is a need to have a process that will ensure the inclusion of minorities and women in all areas of American life.

Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

Small business growth means economic growth for the nation. But to keep this segment of our economy thriving, entrepreneurs need access to loans. Through loans, small business owners can expand their businesses, hire more workers and provide more goods and services.

The Small Business Administration, SBA, a federal organization that aids small businesses with loan and development programs, is a key provider of support to small businesses. The SBA's main loan program accounts for 30 percent of all long-term small business borrowing in America.

I have worked hard to help small business owners to fully realize their potential. That is why I support entrepreneurial development programs, including the Small Business Development Center and Women's Business Center programs.

These initiatives provide counseling in a variety of critical areas, including business plan development, finance, and marketing.

My amendment would require the Department of Defense to assess whether their outreach programs are sufficient prior to awarding contracts. The Department of Defense should investigate what impact their regulations have on minority and women owned small businesses.

Outreach is key to developing healthy and diverse small businesses.

Mr. SMITH of Washington. I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I encourage all of our Members to support the en bloc amendments, and I yield back the balance of my time.

Mr. TERRY. Mr. Chair, I thank Chairman MCKEON and Ranking Member SMITH for accepting my amendment as part of this en bloc package.

In the last months of the Bush Administration, a change was made authorizing veterans and active-duty military not in uniform to render the military-style hand salute during the playing of the national anthem. Secretary of Veterans Affairs Dr. James B. Peake said at the time, ''The military salute is a unique gesture of respect that marks those who have served in our nation's armed forces. This provision allows the application of that honor in all events involving our nation's flag.''

This change, authorizing hand-salutes during the national anthem by veterans and out-of-uniform military personnel, was included in the Defense Authorization Act of 2009 and improved upon a little known change that was contained in the previous National Defense Authorization Act which authorized veterans to render the military-style hand salute during the raising, lowering or passing of the flag, but it did not address salutes during the national anthem.

These were important changes; however, they should have been broadened even further to authorize veterans and active-duty military not in uniform to render the military-style hand salute during the reciting of the Pledge of Allegiance.

Current Flag Code states that the Pledge of Allegiance to the Flag, ''I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all,'' should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute. (§ 4. Pledge of Allegiance to the flag; manner of delivery)

My amendment is an idea brought to us by our local VFW that simply seeks to create parity for veterans in and out of uniform who are reciting the Pledge of Allegiance. Veterans of this great nation take deep pride in being able to express honor in the way only veterans can, each time they reaffirm their pledge of allegiance to our great nation and its colors.

I thank Chairman MCKEON for his support of this amendment allowing vets to render a hand salute.

Mr. BACA. Mr. Chair I want to thank Chairman BUCK MCKEON and Ranking Member ADAM SMITH for their efforts.

I also want to thank Reps. GARY MILLER, DAVID DREIER, and KEN CALVERT—and Senator DIANE FEINSTEIN for their support of this bipartisan amendment.

My amendment directs the U.S. Geological Survey (USGS) to conduct a study of water resources in the Rialto-Colton Basin in California.

The USGS study would look at perch lorate contamination in the area's groundwater.

Perchlorate is a rocket fuel additive that impairs thyroid function in humans—and has been found to be harmful to women and children.

This contamination is the direct result of the area having been acquired by the U.S. Army in 1942—to develop an inspection, consolidation, and storage facility for weapons bound for the Port of Los Angeles.

Having lived in Rialto for decades, I am very aware of the perchlorate problem we have in our drinking water.

Currently the EPA is undertaking a $25 million dollar effort to clean up the contamination.

But for the efforts of the EPA to be successful, we must first know the full scope of the problem.

We can only gain this crucial information by conducting an extensive study—and my amendment would make this study a top priority for the USGS to expedite.

This study is critical to the health and well-being of my constituents.

The contamination at the Rialto site was measured at more than one thousand times the drinking-water standard for perchlorate, according to the EPA.

My constituents deserve to have clean drinking water for themselves, their families, and our future generations.

According to the USGS, groundwater makes up 79 percent of the available drinking water supply in the Inland Empire.

How much of this supply is polluted—we don't know; and we won't know unless the USGS does a comprehensive study!

I urge my colleagues to join me in bringing relief to the people of the Inland Empire—and to support my amendment.

Mr. GARY G. MILLER of California. Mr. Chair, I rise in support of the Baca amendment and I want to thank Chairman MCKEON and Ranking Member SMITH for their work on the underlying bill.

This amendment directs the U.S. Geological Survey (USGS) to conduct a study of water resources in the Rialto-Colton Basin in California.

The USGS study would look at perchlorate contamination in the area's groundwater.

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This contamination is the direct result of the area having been acquired by the United States Army in 1942 to develop an inspection, consolidation, and storage facility for weapons bound for the Port of Los Angeles.

Having lived near Rialto for decades, I am very aware of the perchlorate problem we have in our drinking water.

Currently the EPA is undertaking a $25 million dollar effort to clean up the perchlorate contamination.

In order for cleanup efforts to be successful, we must first know the full scope of the problem.

We can only gain this crucial information by conducting an extensive study.

The contamination at the Rialto site was measured at more than 1,000 times the drinking-water standard for perchlorate, according to the EPA.

Constituents of Southern California deserve to have clean drinking water for themselves, their families, and our future generations.

According to the USGS, groundwater makes up 79 percent of the available drinking water supply in the Inland Empire.

How much of this supply is polluted, we don't know; and we won't know unless the USGS does a comprehensive study!

I urge this body to join me in bringing relief to the people of the Inland Empire by supporting this amendment.

Again, I thank Representative BACA for putting forward this common sense amendment.

Mr. CALVERT. Mr. Chair, I rise today in support of the Baca Amendment to the National Defense Authorization Act. This amendment would provide needed funds for the U.S. Geological Survey to complete a comprehensive study of perchlorate contamination in the Rialto-Colton Basin in California.

This perchlorate contamination is a direct result of U.S. Army activities in the region beginning in 1942 for the inspection, consolidation, and storage of ordnance bound for the Port of Los Angeles and the use of perchlorate salts and solvents in these activities. Perchlorate is a known toxin that impairs thyroid function and can cause a broad array of adverse health conditions.

Contamination in the ground water has been measured at 1,000 times the EPA drinking-water standard for perchlorate. And the EPA is currently involved in a massive $25 million dollar effort to clean up the contamination. However, an in depth analysis of the perchlorate plume in the basin has not yet been conducted. For the efforts of the EPA and other agencies to be ultimately successful, we must know the full scope of the problem.

The study supported by this amendment will provide much needed data regarding the extent of groundwater contamination in the Rialto-Colton Basin. This information is invaluable to providing a safe reliable water supply to the residents of the Inland Empire and to cleaning up environmental contamination 70 years in the making.

Mr. HARPER. Mr. Chair, I rise today in support of my amendment, numbered 35, to the National Defense Authorization Act. This straight forward amendment requests a review and study by the Secretary of the Air Force on the decision to cancel or consolidate the Air National Guard Component Numbered Air Force Augmentation Force in Fiscal Year 2013.

This Air National Guard Augmentation Force enhances Active Duty Air and Space Operations Centers, or AOCs, across the Continental U.S. and across the globe on a regular basis. They support each AOC's respective mission and provide a rapid and familiar response to ensure mission success. Many AOCs have stated bluntly that their work would be greatly degraded if their Augmentation Force went away.

This amendment quite simply requests a review of the United States Air Force's decision to consolidate and cancel some of these Groups in the FY13 budget to ensure this decision is indeed cost effective and does not harm national security. The Air Force's Total Force Integration Phase IV Memo recognized the need for additional augmentation units, I now question how and if that need has subsided, and if it has, what has diminished it. I would like to thank our troops at home and abroad for their service in keeping this country safe. I would also like to thank the Chairman and Ranking Member of the House Armed Services Committee for their hard work on this year's Defense Authorization bill.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from California (Mr. MCKEON).

The en bloc amendments were agreed to.

AMENDMENT NO. 30 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 30 printed in House Report 112–485.

Mr. JOHNSON of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In title X, strike section 1064 and insert the following:

SEC. 1064. FINDINGS ON DEPLOYMENT OF TACTICAL NUCLEAR FORCES IN THE WESTERN PACIFIC REGION.

Congress finds the following:

(1) The United States and allied forces are currently capable of responding to aggression by the Democratic People's Republic of Korea (''North Korea'').

(2) The deployment of tactical nuclear weapons to the Republic of Korea (''South Korea'') would destabilize the areas of responsibility of the United States Pacific Command and United States Forces Korea.

(3) Such deployment would not be in the national security interests of the United States.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. My amendment would strike language in the bill directing the administration to consider redeploying tactical nuclear weapons to the western Pacific region, and it would replace that language with a finding that such a deployment would not be in the best national security interests of the United States. The irresponsible language in the bill has already provoked a strong negative reaction from the South Korean Government and has forced the State Department to clarify that deploying nuclear weapons in South Korea is not on the table.

Tactical nuclear weapons would be extremely destabilizing in the region. It would accelerate North Korea's development of nuclear weapons, and America would lose its moral ground in its diplomatic efforts to persuade North Korea to give up its nuclear weapons.

It would undermine decades of diplomatic efforts to secure a nuclear-free Korean Peninsula, especially the Joint Declaration on Denuclearization of the Korean Peninsula which both North and South Korea signed in 1991; and it would dramatically heighten tensions with China, perhaps with Russia, whose leaders would be understandably concerned by American tactical nuclear weapons in their backyards. Mr. Chairman, our forces in the region, including our ballistic missile submarines, our intercontinental ballistic missiles, Tomahawk cruise missiles, B–52 and B–2 bombers, are fully capable of countering North Korea.

I would quote General Walter Sharp, recently retired as commander of U.S. forces in Korea, who said less than 1 year ago:

> I don't believe tactical nuclear weapons need to return to the Republic of Korea. The U.S. has sufficient capabilities from stocks in different places around the world in order to be able to do what we need to do to be able to deter North Korea from using nuclear weapons. They don't have to be stationed here in Korea for either deterrent capability or use capability.

Mr. Chairman, I reserve the balance of my time.

□ 2240

Mr. MCKEON. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, a member of the committee, the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. I thank the gentleman.

Mr. Chairman, I would say first and foremost that the true destabilizing force in the Western Pacific today is nuclear weapons in the hands of North Korea. There have been many efforts to try to pursue solutions in that regard: six-party talks and many different things. It is time that the United States have some additional options. The language in the NDAA that we have merely says that we need a report to be conducted regarding the efficacy of additional nuclear or conventional weapons in the Western Pacific region. It technically doesn't even mention South Korea. It is true that the South Korean people and some of the South Korean leaders have debated and some of them are arguing for the redeployment of the tactical nuclear weapons on the peninsula because they see North Korea's nuclear forces as the most destabilizing aspect.

This amendment that the gentleman puts forward simply says that it would not be in the national security interests of the United States, and I think that that's not in evidence at this point. I believe that having this language in our defense bill actually strengthens the administration's hand to promote some sort of a more just solution here and takes the country and the world in a safer direction.

Mr. Chairman, the bottom line is that I believe this amendment should be opposed, and the language in the NDAA should be preserved.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield 1 minute to the good ranking member of the House Armed Services Committee, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, this amendment makes an enormous amount of sense. There is no question North Korea is a threat, but there are two very salient points. First of all, as Mr. JOHNSON stated, we have a number of troops in South Korea. We have a number of options, including nuclear submarines and bombers in the region. We have on the table what we need to deal with that threat militarily.

Yes, Mr. FRANKS had an amendment in the committee that asked us to look at ways to expand that, including the possibility of deploying tactical nuclear weapons to the region, which I think is very dangerous to talk about. But specifically, it would be very dangerous to deploy those tactical nuclear weapons to South Korea. That's why this amendment is limited to saying that that would be a bad idea.

We all remember the Cuban missile crisis, how people are likely to react to nuclear weapons being deployed close by them. And North Korea is hardly a predictable actor. I can say with quite a great deal of confidence that if we were to put tactical nuclear weapons in South Korea, it would be an incredibly dangerous thing to do in terms of predicting how North Korea would react.

The Acting CHAIR. The time of the gentleman has expired.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield the gentleman an additional 30 seconds.

Mr. SMITH of Washington. This amendment simply states what I think is the obvious: It would be a bad idea to put tactical nuclear weapons into South Korea. To some degree, it makes more—rational perhaps is too strong a word—user friendly Mr. FRANKS' amendment in the committee, by at least making it clear that this very bad option for our national security interests is not going to be contemplated.

This amendment says that we should not put tactical nuclear weapons into South Korea. I think that is clearly the right policy, and I urge adoption.

Mr. MCKEON. May I inquire if the gentleman has any more speakers?

Mr. JOHNSON of Georgia. I have no speakers, and I'm prepared to close.

The Acting CHAIR. The gentleman from California has the right to close.

Mr. MCKEON. Then I reserve the balance of my time.

The Acting CHAIR. The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, my friend, Congressman FRANKS from Arizona, cited the fact that he believes that this language that I seek to remove from the NDAA actually strengthens the administration's hand. I would submit that what it does is imposes on the administration—insofar as delicate negotiations and diplomacy are being invoked—to try to convince the North Koreans that it's in their best interest to abandon their nuclear aspirations.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield the balance of my time to my friend and colleague, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. Thank you, Chairman MCKEON.

Mr. Chairman, I rise in opposition to the Johnson amendment.

The Johnson amendment strikes from this bill the call for a study. A study is just the obtaining of knowledge. It strikes in this bill a study on what our options need to be in response to an increasing threat from North Korea. This study is necessary for us to understand what our options are.

What has changed? Why are we concerned about North Korea? Why do we need to pursue these options? One, we know that they most recently have unveiled a road-mobile missile launcher that Secretary Gates has said is an ICBM that puts the United States mainland directly at risk. Secondly, Secretary Panetta testified in front of our committee that there appears to be a link between China and the road-mobile missile launchers that we've seen and perhaps the missile technology, and we know that North Korea has been pursuing nuclear capabilities.

Our normal response to this has been our missile defense capability, where we've tried to bolster our missile-defense capability as North Korea gets increasingly dangerous in its quest to reach the United States with ICBMs and again a nuclear-capable North Korea. But we have grave concerns as to whether or not our missile-defense system would be there in order to be able to protect us. That's why we need to pursue additional options, because we continue to have from the other side of the aisle amendments to reduce our missile defense.

At the same time we know that the President most recently was caught in an open-mic discussion with the President of Russia, President Medvedev, indicating that after the election had occurred in the United States, when he would have, as he described it, more flexibility, that he would address the issue of missile defense. So we know that the President in his discussions with Russia has a secret deal that's supposed to be unveiled after the election that can't see the light of day during this election, holding the American people hostage to what its terms are. As this secret deal proceeds, this President could continue to weaken our missile-defense system as we have the rise of North Korea.

Mr. FRANKS in his amendment in our committee merely asks for information and for a study. What should our response be as we see North Korea reaching for capability to reach the United States? We know of their nuclear capability. We've seen them unveil their road-mobile missile launchers, and we know that this President, in his secret deals with the Russians, has said, I'm looking for greater flexibility in missile defense.

Our only defense currently for North Korea and its quest for missile technology that can reach the United States—this is important that we rise to the issue of asking the question, as Mr. FRANKS has, what do we need to do, especially in light of the President's secret deal with the Russians.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JOHNSON of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 31 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 31 printed in House Report 112–485.

Mr. JOHNSON of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle E of title X, add the following new section:

SEC. 1065A. REPORT ON PLANNED REDUCTIONS OF NUCLEAR WEAPONS OF THE UNITED STATES.

Not later than January 15, 2013, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees a report on whether—

(1) the planned reductions to the number of nuclear weapons of the United States pursuant to the levels set forth under the New START Treaty are in the national security interests of the United States; and

(2) such reductions should continue.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

□ 2250

Mr. JOHNSON of Georgia. Mr. Chairman, this amendment would direct the chairman of the Joint Chiefs and the Secretary of Defense to report to Congress regarding the impact on national security of reducing our nuclear weapons stockpiles, as required by the New START Treaty.

For strong supporters of New START, such as myself, it's self-evident that reducing our stockpiles when we already have the capacity to destroy the Earth many times over is clearly in our national security interest. But I understand that there is some doubt amongst my colleagues on the other side of the aisle. I respect those views, and we should address them.

So this amendment offers a simple solution, that is, let's require our senior military leadership to give us their views. I believe that my view, which is that cutting our nuclear stockpiles is perfectly consistent with our security interests, would be validated. But in the national interest, it seems not only prudent but essential to put that question to our senior military leadership. And I'm willing to do that, even if it risks me getting back the wrong answer, or an answer that I don't want to hear.

I'm, frankly, surprised this amendment is controversial because it's just common sense. I would ask any colleague who opposes this amendment why they wouldn't want to hear the views of our military leadership, why would we not want to hear from our senior commanders on this issue? Is there any valid reason? Let's ask our military leadership and get the expert opinions we need to move forward with a clear understanding of the policy's implications.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. I yield 2 minutes to my friend and colleague from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. Mr. Chairman, I am in opposition to redundant reporting and requests on items that are already available. Section 1045 of the FY12 National Defense Authorization Act, condition nine of the Senate's resolution of ratification for the New START Treaty, already requires almost exactly the same report as this amendment would require. But the President—not the Secretary of Defense or the chairman of the Joint Chiefs of Staff—is required to provide this report forward.

The report is required to be submitted whenever there is a shortfall in funding from the section 1251 plan levels. Because the FY12 omnibus appropriations resulted in a 5 percent shortfall, the reporting requirement was triggered, and the report was due in February. Congress has yet to receive the report. So perhaps one of the things that we need to do is to just have the administration file the reports that are already being requested instead of requiring an additional report.

This amendment is duplicative of an existing reporting requirement. We think that we should work together to ensure that the administration provides us with the reports that are already due.

We too have very serious concerns as to how this administration is moving forward with its New START implementation. Part of the concerns that we have, obviously, is that the preamble to the New START agreement includes a statement that the Russians state that our missile defense system is part of the overall effect of the balance between the two nations. The administration says that the preamble, referring to missile defense, does not apply. But yet we see the President in an open-mic discussion with Medvedev saying, After the election, I will have greater flexibility on missile defense.

So there is some confusion as to whether or not this administration believes that missile defense and New START are tied together. We certainly are going to look for a greater illumination by this President of what his secret deal is and whether or not it involves New START.

Part of the discussion that we have in the reports that are due is holding this administration accountable to answer the questions that are already on the table, file the section 1045 report that was due in February and answer the question, What's the secret deal?

Mr. JOHNSON of Georgia. I yield myself 15 seconds to point out that the voluminous report that my colleague on the other side just referred to, that was included in last year's NDAA and has not been submitted. I'm just asking for a simple report.

I yield 2 minutes to my colleague from Washington.

Mr. SMITH of Washington. Mr. Chairman, I am just asking for a simple yes or no answer instead of a long report. Is this in the national security interest or isn't it? I think that's a worthy thing to get a straightforward answer to.

But I want to talk one last time about the alleged secret deal that's been spoken of. And I must compliment Mr. TURNER. He obviously went to an excellent propaganda school. If you keep saying something over and over again, even though there is not a shred of evidence to support it, eventually people will believe that there might actually be something there, even though it is a complete fabrication.

There is no secret deal. The President would like to negotiate with Russia in a way to better protect our national security over missile defense. That is what he said. Yet they keep saying ''secret deal,'' as if something exists when there is not a shred of evidence that it does. And it is absolutely clear-cut that all the President was saying was that during an election year, an issue like this would be subject to demagoguery precisely like this, and it would be difficult to do.

Now, the gentleman from Ohio (Mr. TURNER) and others will probably oppose whatever agreement the President might be able to reach in the future with the Russians. And that's fine. We can have a robust debate about it.

But to continue to stand up here on the floor and talk about a secret deal Mr. TURNER knows doesn't exist is very disingenuous and not helpful to the larger debate. We can have the debate about what we should be negotiating with the Russians and shouldn't be.

Some long for the days of the Cold War, wish we could go back to a full-blown confrontation with Russia. I don't, and the President doesn't. He would like to find a way where we can work together to create a more peaceful world. I would like to give him the opportunity.

But no deal exists, secret or otherwise. There is not a shred of evidence for that. Yet we keep hearing that said, and we know why we keep hearing it said, so it can be demagogued, so people can begin to believe something exists when there is absolutely not a shred of evidence that it does.

I urge support for the gentleman from Georgia's amendment and for people to try to break through all of that and understand that just because the words ''secret deal'' keep being said doesn't change the fact that there is no such thing.

Mr. MCKEON. Mr. Chair, how much time remains?

The Acting CHAIR. The gentleman from Georgia has 45 seconds. The gentleman from California has 3 minutes.

Mr. MCKEON. I yield myself 1 minute.

We have had this back-and-forth about the President's comments. But enough of us heard it—in fact, I think we heard it over and over and over from the media, with the President on an open mic saying—and I don't think there's any dispute about this—Please take back to Mr. Putin that I will have greater flexibility after the election.

You know, we could debate whether or not there's a secret deal, but I don't

think there's any debate to the fact that the President said that, not wanting the general public to realize that he said that, but he did say it. So that leaves a question in America's mind of what he was talking about.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. I yield myself an additional 15 seconds.

You have to be a little concerned, a little nervous if he's that interested in sending a message to Mr. Putin that after the election, I will have a little more leeway. I think it's very important. Why not lay it out for the American people? What did he mean when he said he would have more leeway? What does he plan to do with that additional leeway? I would like to see the President go to the American people and say that.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, what did he say? Well, it doesn't matter because whatever he said, please know that treaties have to be confirmed or ratified by the Senate with a two-thirds majority.

Mr. Chairman, let's ask our military leadership whether the New START military reductions are in our security interests, whether it vindicates supporters of arms control, like myself, or vindicates those who believe we need to build more. Let's get that answer from the people who are in the best position to answer the question. And those people are our leaders in the military and in the Defense Department.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. We certainly share our concern with the other side of the aisle as to how New START will be implemented and its effect on our missile defense system.

The issue of President's secret deal with the Russians is not really one that's open to interpretation. This is not some speculation. This is not an issue of my opinion that there's a secret deal. You can go to YouTube and type in ''President Obama, Medvedev,'' and you will see them sitting with an open mic.

□ 2300

You will, with your own ear, hear the President say, This is my last election, which should be offensive to every person in the electorate because it says, As soon as I am free from having to respond to the election process or to the electorate, I will be—and what he says is: I will have more flexibility after my election. That's freedom. He asks for space from Mr. Medvedev, who said, gleefully, it seemed to me—and that is editorializing—I'll go tell Vladimir. So Vladimir knows something we don't.

So we can say, Well, what does Vladimir know? Well, we know that Putin said in a March 2, 2012, interview with RIA Novosti about the President and his negotiations on missile events:

They made some proposals to us which we virtually agreed to and asked them to get them down on paper. They made a proposal to us just during the talks, they told us: We would offer you this, this, and that. We did not expect this, but I said, we agree.

This is Putin saying this—We agree. Now that's a deal. When the other side says, we agree, that's a deal.

Do we know what the terms are? No. That's a secret. So a secret deal on missile defense is something we know is happening. You can go to YouTube and see the President talking to Medvedev. You can see him saying, I'm going to go tell Vladimir. You can look up Mr. Putin's interview on March 2, 2012, when he says his response was, we agree.

And what's the President's response when we ask, What are the terms of this deal, Mr. President—the terms that you won't let the Republican see? He says, Nothing.

The Acting CHAIR. All time having expired, the question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JOHNSON of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 32 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 32 printed in House Report 112–485.

Mr. PRICE of Georgia. I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle E of title X, add the following new section:

SEC. 1066. PROHIBITION ON UNILATERAL REDUCTION OF NUCLEAR WEAPONS OF THE UNITED STATES.

(a) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1051, is amended by adding at the end the following:

''§ 498. Prohibition on unilateral reduction of nuclear weapons

''The President may not retire, dismantle, or eliminate, or prepare to retire, dismantle, or eliminate, any nuclear weapon of the United States (including such deployed weapons and nondeployed weapons and warheads in the nuclear weapons stockpile) if such action would reduce the number of such weapons to a number that is less than the level described in the New START Treaty (as defined in section 130f(c) of this title) unless such action is—

''(1) required by a treaty or international agreement specifically approved with the advice and consent of the Senate pursuant to Article II, section 2, clause 2 of the Constitution; or

''(2) specifically authorized by an Act of Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''498. Prohibition on unilateral reduction of nuclear weapons.''.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, as we have been hearing all night, earlier this year in a conversation between President Obama and the Russian President the microphone was left open inadvertently and the President pleaded for ''space'' and promised ''flexibility'' on the issue of missile defense after his reelection. And though this conversation was not intended for public consumption, the President's comments were clearly deliberate.

The President believes in a world without nuclear weapons. That would indeed be wonderful. He also apparently believes that unilateral reduction of our capabilities will be met by others following suit and reducing their arsenals if only the U.S. gives up its nuclear weapons first. That's not reality, Mr. Chairman.

Since the end of the Cold War, the United States has eliminated over 80 percent of its nuclear weapons arsenal. Yet instead of others following our lead, new nuclear weapon players, such as North Korea, have emerged. India and Pakistan tested their nuclear weapons in the 1990s.

Following the ratification of the new START treaty with Russia, Moscow started the most extensive nuclear weapon modernization program since the end of the Cold War. President George W. Bush offered to cooperate with Russia on missile defense, believing there was a collective interest in defending against emerging threats from nations like Iran and North Korea. Such cooperation, however, has proven elusive, with Russia being less interested in cooperating against Iran than in degrading our missile defense capability.

Clearly, countries have their own motives and security interests that are not necessarily derived from the United States' actions. President Obama seems resolved to push forward regardless, even if that means compromising our own missile defense capabilities. This is reckless and dangerous in today's world. Iran is getting ever closer to developing a nuclear weapon and consistently threatens Israel, openly calling for that Nation's destruction. In the wake of Kim Jong Il's death, North Korea continues to move forward with its latest test firing of a long-range missile.

This amendment would ensure that without a treaty approved by the Senate or an authorization by an act of Congress, the President may not reduce our nuclear arsenal. Please join me in limiting the ''space'' and the ''flexibility'' that this President desires, further putting our Nation's security at risk.

I urge support of the amendment, and reserve the balance of my time.

Mr. SMITH of Washington. I rise to claim time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. We have over 5,100 nuclear warheads. Now I have seen it cited at one point that that gives us the power to destroy the Earth 23 times. I will confess that I have not done an extensive fact check on that estimate. So let's just say it's only 10 times. That we have the nuclear capability to destroy the Earth 10 times—less than half of what some of the estimates have been.

That strikes me and I think every other rational observer as a more than sufficient deterrent. This is not a matter of saying that we're going to get rid of all of our nuclear weapons and hope that everybody else does. It's a matter of recognizing the expense of maintaining that stockpile versus some other choices that could be involved in protecting our national security.

And I know a number of Members on both sides of the aisle in this committee can look at shipbuilding, at planes, at support for our troops, and imagine a number of different ways that we could spend that money more effectively on national defense, not to mention the deficit.

It's a very simple opposition to this argument. If this President or any President determines that it's in our best interest to reduce that stockpile, he should be able to propose it. Now it's a budget item. It has to come through Congress. It has to be debated.

But the larger point is, again, we have over 5,100 nuclear warheads. Now it's true that we used to have even more than that. We used to have the capability to destroy the war beyond what I think we could even imagine. But we have more than a sufficient deterrent capability right now. So to close off the option of making reductions there that make national security sense, I believe is unwise, and I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentleman from Georgia has 2½ minutes.

Mr. PRICE of Georgia. I yield myself 15 seconds.

I find it curious that it would be unwise to require that the Senate concur in a reduction of the nuclear weapons arsenal or that an act of Congress be approved prior to that occurring.

I am pleased to yield 1 minute to my friend, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. I want to thank Mr. PRICE.

Mr. Chairman, I want to echo what he has just said about the importance of this amendment. This amendment merely says that the President shall not unilaterally do these reductions without it being pursuant to a treaty or a statute passed by Congress, just that Congress has to be involved.

This provision parallels a provision in the new START Implementation Act. It recognizes the concern that Congress has from the information that is coming out of the administration. The Associated Press just reported that the Obama administration is weighing options for sharp new cuts to the nuclear force, including a reduction of up to 80 percent in the number of deployed weapons following just on new START, which has additional reductions, coupled with the President's open-mic statements that he wants greater flexibility on missile defense in a secret deal with the Russians. You have to come to a point where Congress has to be concerned that they be in the loop, that the President not take unilateral actions to both reduce our nuclear weapons at the same time that he's negotiating to diminish our missile defense system with the Russians as part of his secret deal.

Mr. SMITH of Washington. I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from Georgia has 1¼ minutes remaining.

Mr. PRICE of Georgia. I am pleased to yield the balance of my time to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. I thank the gentleman for bringing this amendment. One thing we know, that under this administration's watch we will see, if we don't change it, up to a trillion dollars of cuts to national defense coming down the pike. What does that mean? We have seen the Air Force say that they're on the ragged edge. We've seen this administration propose to take seven cruisers and dismantle those cruisers. What that would mean is doing away with twice the surface capability of the entire British Navy.

We've seen the possibility of as many as 150,000 pink slips that could then be coming down to our men and women in uniform and the loss of as many as 1.5 million jobs. And I don't know whether or not there's a secret deal or what that secret deal is with the Russians, but one thing we know is we are moving dangerously close to the point where we will no longer be able to guarantee the security of the United States and U.S. interests, and that's why it's important that we support this amendment, and I hope we'll do that.

Mr. SMITH of Washington. I yield myself the balance of my time.

I think there are some legitimate questions about our national security. Certainly, if we saw that level of cut of a trillion dollars—and a number of issues the gentleman raised are worthy of concern. This amendment talks about a very narrow area of interest, and that's our nuclear weapons stockpile, which as I indicated, is more than sufficient.

Just one final word on the secret deal. Whatever agreement the President may come up with—and he certainly doesn't have one at the moment—as Mr. JOHNSON indicated earlier, it requires a two-thirds vote of the Senate. So I think we can all relax about what exists there.

□ 2310

It will be a public debate. Now, as Mr. FORBES acknowledged, he doesn't know if such a thing exists or not. And it's interesting to keep talking about something that we don't know whether or not it exists, but whether it comes up or not, there will be a full debate here. I believe, however, when it comes to our nuclear weapons, that is an area where again, we can save money in order to protect other very necessary parts of our national security.

And with that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offer by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

It is now in order to consider amendment No. 34 printed in House Report 112–485.

AMENDMENT NO. 38 OFFERED BY MR. RIGELL

The Acting CHAIR. It is now in order to consider amendment No. 38 printed in House Report 112–485.

Mr. RIGELL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle H of title X, add the following new section:

SEC. ___. CONDITIONAL REPLACEMENT FOR FY 2013 SEQUESTER.

(a) CONTINGENT EFFECTIVE DATE.—This section and the amendments made by it shall take effect upon the enactment of—

(1) the Act contemplated in section 201 of H. Con. Res. 112 (112th Congress) that achieves at least the deficit reduction called for in such section for such periods; or

(2) similar legislation that at least offsets the outlay reductions flowing from the budget authority reductions mandated by section 251A(7)(A) and 251A(8) as it applies to direct spending in the defense function for fiscal year 2013 of the Balanced Budget and Emergency Deficit Control Act of 1985, as in force immediately before the date of enactment of this Act, combined with the outlay reductions flowing from the amendment to section 251A(7)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 made by subsection (c), within five years of enactment.

(b) REVISED 2013 DISCRETIONARY SPENDING LIMIT.—Paragraph (2) of section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''(2) with respect to fiscal year 2013, for the discretionary category, $1,047,000,000,000 in new budget authority;''.

(c) DISCRETIONARY SAVINGS.—Section 251A(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''(A) FISCAL YEAR 2013.—

''(i) FISCAL YEAR 2013 ADJUSTMENT.—On January 2, 2013, the discretionary category set forth in section 251(c)(2) shall be decreased by $19,104,000,000 in budget authority.

''(ii) SUPPLEMENTAL SEQUESTRATION ORDER.—On January 15, 2013, OMB shall issue a supplemental sequestration report for fiscal year 2013 and take the form of a final sequestration report as set forth in section 254(f)(2) and using the procedures set forth in section 253(f), to eliminate any discretionary spending breach of the spending limit set forth in section 251(c)(2) as adjusted by clause (i), and the President shall order a sequestration, if any, as required by such report.''.

(d) ELIMINATION OF THE FISCAL YEAR 2013 SEQUESTRATION FOR DEFENSE DIRECT SPENDING.—Any sequestration order issued by the President under the Balanced Budget and Emergency Deficit Control Act of 1985 to carry out reductions to direct spending for the defense function (050) for fiscal year 2013 pursuant to section 251A of such Act shall have no force or effect.

(e) REPORT.—

(1) IN GENERAL.—Not later than August 15, 2012, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a detailed report on the impact of the sequestration of funds authorized and appropriated for Fiscal Year 2013 for the Department of Defense, if automatically triggered on January 2, 2013, as required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), as in effect immediately before the date of enactment of this Act.

(2) CONTENTS OF REPORT.—The report required by this section shall include—

(A) an assessment of the potential impact of sequestration on the readiness of the Armed Forces, including impacts to steaming hours, flying hours, full spectrum training miles, and all other readiness metrics;

(B) an assessment of the impact on ability of the Department of Defense to carry out the National Military Strategy of the United States and any changes to the most recent Chairman's Risk Assessment required by section 153 of title 10, United States Code;

(C) a listing of the programs, projects, and activities across the military departments and components that would be reduced or terminated as a result of automatically triggered cuts;

(D) an estimate of the number and value of all contracts that will be terminated, restructured, or rescoped due to sequestration, including an estimate of potential termination costs and increased contracts costs due to renegotiation and reinstatement of the contract; and

(E) an estimate of the number of civilian, contract, and uniformed personnel whose employment would be terminated due to sequestration, including the estimated cost to the Department of executing such a drawdown.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Virginia (Mr. RIGELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. RIGELL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I believe that our duty to our country and our men and women in uniform requires us to do everything in our power to prevent sequestration. Sequestration is not a rational course correction, but instead it is a violent, sudden, and severe budget cut, the adverse consequences of which cannot be overstated. Sequestration creates undeniable havoc in production, personnel, and in contract administration. If allowed to become reality, only two groups will benefit: our Nation's enemies and the legions of lawyers who will be engaged in endless litigation against the Federal Government.

To be clear, these are not the cuts often debated in reference to the President's budget. Sequestration cuts to defense are in addition to those cuts, the sum of the two, totaling nearly $1 trillion over 10 years. Now, even if one holds the view that defense spending must come down, this is not the method in any respect to accomplish that objective.

My amendment allows us to avert sequestration. Specifically, the 2013 sequester is eliminated consistent with the House-passed budget, provided one of two events happen: first, reconciliation legislation required by the budget resolution is enacted; or, two, legislation offsetting, within 5 years, the cost of the fiscal year 2013 discretionary sequester and the fiscal year 2013 sequester of defense mandatory programs is enacted.

It also requires a report on the impact of sequestration prior to it taking effect, which is crucial.

This amendment is critical to preventing sequestration, which must be done if we are to meet our obligation to defend this great country; and the men and women who are truly defending this country are the men and women in uniform. So I urge my colleagues to support the amendment.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. I yield myself as much time as I may consume.

There are two big problems with this. First of all, it's a 1-year solution. It would eliminate sequestration for fiscal year 2013 alone. And as we have seen this year already, the constant every year wondering whether or not something this large is going to happen is enormously disruptive to our economy and enormously disruptive to our defense industry and all the other places that suffer sequestration. This sets us up for another 1 year after 1 year after 1 year, as we have seen with expiring tax cuts, with expiring proposed cuts to Medicare.

This every year trying to figure out whether or not we are going to deal with it is almost as damaging as the cuts themselves. So whatever we do here, we're going to have to come up with a 10-year solution. We're going to have to come up with the $1.2 trillion in deficit reductions that are necessary to avoid sequestration.

And I agree with my colleagues—coming up with that money and avoiding sequestration is enormously important, but simply doing it 1 year at a time really doesn't help.

The second problem with this is the way it is structured. It takes defense out of the possibility of facing sequestration and dumps it all on the rest of the discretionary budget. And what happens here basically is the Republican proposal on this is defense should not be touched, and there should be no revenue, and we have to deal with an over trillion-dollar deficit. It's going to be well over $8 trillion, $9 trillion over the course of the next 10 years.

What that means is you're going to have to have a devastating level of cuts in every other Federal program—Social Security, Medicare, Medicaid, all other discretionary spending, transportation, education. Now, I am a strong defender of the defense budget and of national security, but I am also a strong defender of our infrastructure, a strong defender of Medicare and Medicaid. This simply shifts defense out from under and puts the entire burden on everything else.

Just to do a little quick math for you, we had a $1.3 trillion deficit last year, roughly 40 percent of the budget, almost, in deficit. So if you decide no revenue, we're not going to bring in any more money, and we're not going to cut anything from defense, which is 20 percent of the budget, so now you're down to 80 percent of the budget. And I can't do this math off the top of my head, but if you have to cut 40 percent from 100 percent, if you go down to 80, you'll probably have to cut pretty close to 50. So, look at everything else in the Federal Government and imagine a 50 percent cut. I don't think that's realistic.

You know, I have no great love for taxes, but if the alternative is devastating all other spending programs, we have to at least consider revenue as part of the solution. This amendment, as with all Republican budget proposals, precludes that option and puts everything on the back of every other piece of spending, save defense, and raises no revenue. I don't believe that is a responsible approach.

I also agree with Secretary Panetta who said proposing this, something that the President will not support, something that the Senate will not support, stops us dead in our tracks from having any hope of truly getting to a solution which will prevent sequestration, which I agree needs to be done. I don't agree that this amendment puts us on a path to do it.

I reserve the balance of my time.

Mr. RIGELL. Mr. Chairman, I yield the remainder of my time to my friend and colleague, the chairman of the Budget Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, we passed a budget. We showed what we would do to deal with all of these fiscal problems and fiscal priorities. We showed defense spending decreases off the defense request from

last year. We showed a responsible way to get savings from the Pentagon budget.

To my friends on the other side of the aisle, to their credit, they brought a budget to the floor that turned off the sequester and showed alternative savings as well. The Senate, nothing, no budget for 3 years. The President, he tells us he doesn't want the sequester to kick in, that it's a bad thing to happen, but he's not doing anything to show how he will prevent the sequester from happening.

Two weeks ago, we passed a reconciliation bill. That bill said specifically how we will cut spending in other areas of government to prevent the sequester from occurring next year, 1 year.

The ranking member of the Budget Committee, Mr. VAN HOLLEN, authored an amendment to do the same thing, other savings to pay for 1 year of the sequester set aside. So both the House Republicans and the Democrats in the House proposed the same kind of solution, 1 year set aside.

Let's just look at what people are saying about what the sequester will do to our national defense:

The President, in his own budget, said that the sequester would inflict great damage to the country's national security;

The Secretary of Defense says it would hollow out our defense;

The Chairman of the Joint Chiefs of Staff says that sequestration would pose unacceptable risks to the Nation's security;

The Chief of Naval Operations says that the sequester would have a severe and irreversible impact on the Navy's future;

The Chief of Staff of the Army says that he is definitely afraid of what would happen to our military if this takes place.

All this amendment does is it gives us one more avenue and opportunity to take the spending cuts we have already articulated and to put them in place to prevent the sequester from happening, from seeing all these bad things take place. It gives another opportunity within this conference report, when that arrives, to prevent the sequester from happening by swapping those cuts out with other savings elsewhere in the budget.

Our government is projected to spend about $45 trillion over the next 10 years.

□ 2320

This is a trillion. So the math that the gentleman from Washington mentioned doesn't quite add up. But if we start dropping defense 10 percent in January, that is going to have a destabilizing effect on our national security.

There is plenty of other government spending that's being wasted that can be cut to pay for this. Sixty-one percent of the Federal Government has been on autopilot, off limits. It has not been touched since 2006. There are plenty of areas that we can get savings from like this amendment proposes to. Let's get it from there, and let's not put our men and women at risk who are putting on the uniform and serving us and fighting for our country.

Mr. SMITH of Washington. Mr. Chairman, how much time do I have left?

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. SMITH of Washington. I yield myself 1 minute.

I agree with a lot of what the gentleman said. For instance, he's right that we have to look at that other 61 percent of the budget. He is, however, wrong that it hasn't been touched since 2006. We Democrats touched it and reduced Medicare by $500 billion. And you Republicans beat—well, I can't say that—beat us up, shall we say, over the fact that we had done that. So there is a considerable amount of hypocrisy here.

We want to avoid sequestration, without question. But to not allow for any revenue—which, again, is what this amendment does—just cuts, protecting defense, not protecting anything else, allowing for no revenue despite the fact that revenue has gone down by almost 30 percent over the course of the last 10 years, puts us on the path to sequestration. That's a path I don't want to be on. But we have to be broader in our thinking about it other than just devastating every other portion of the budget as the approach. Protect defense, no revenue. That's not a solution to sequestration.

With that, I yield the last minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentleman for yielding.

Mr. Chairman, there is hypocrisy here, and there is also great faith in ignorance on the part of the public. We have in this defense budget, it's $8.3 billion above what was agreed to in the Budget Control Act last year, and now he says that's not enough.

Under the Ryan budget, the entire discretionary expenditures in the United States will go down eventually to 3.5 percent of GDP from 12.5 percent. Since Governor Romney says defense should not go below 4 percent, that means minus one-half percent for everything else government does—less than zero for the post office, for transportation, for education, for the Weather Bureau, for NASA. For everything government does other than Social Security, Medicare and veterans and debt service—zero dollars. That's where this budget that the other side of the aisle is espousing and has voted for to a person leads us, to zero dollars for all government functions other than defense and veterans.

The Acting CHAIR. All time having expired, the question is on the amendment offered by the gentleman from Virginia (Mr. RIGELL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SMITH of Washington. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 39 OFFERED BY MR. GINGREY OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 39 printed in House Report 112–485.

Mr. GINGREY of Georgia. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle H of title X of division A, add the following new section:

SEC. 10____. SENSE OF CONGRESS REGARDING PRESERVATION OF SECOND AMENDMENT RIGHTS OF ACTIVE DUTY MILITARY PERSONNEL STATIONED OR RESIDING IN THE DISTRICT OF COLUMBIA.

(a) FINDINGS.—Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) Approximately 40,000 servicemen and women across all branches of the Armed Forces either live in or are stationed on active duty within the Washington, D.C. metropolitan area. Unless these individuals are granted a waiver as serving in a law enforcement role, they are subject to the District of Columbia's onerous and highly restrictive laws on the possession of firearms.

(3) Military personnel, despite being extensively trained in the proper and safe use of firearms, are therefore deprived by the laws of the District of Columbia of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has one of the highest per capita murder rates in the Nation, which may be attributed in part to previous local laws prohibiting possession of firearms by law-abiding persons who would have otherwise been able to defend themselves and their loved ones in their own homes and businesses.

(5) The Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act, and the Brady Handgun Violence Prevention Act, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws that only affect and disarm law-abiding citizens.

(6) On June 26, 2008, the Supreme Court of the United States in the case of *District of Columbia v. Heller* held that the Second Amendment protects an individual's right to possess a firearm for traditionally lawful purposes, and thus ruled that the District of Columbia's handgun ban and requirements that rifles and shotguns in the home be kept unloaded and disassembled or outfitted with a trigger lock to be unconstitutional.

(7) On July 16, 2008, the District of Columbia enacted the Firearms Control Emergency Amendment Act of 2008 (D.C. Act 17-422; 55 DCR 8237), which places onerous restrictions on the ability of law-abiding citizens from possessing firearms, thus violating the spirit

by which the Supreme Court of the United States ruled in *District of Columbia v. Heller*.

(8) On February 26, 2009, the United States Senate adopted an amendment on a bipartisan vote of 62-36 by Senator John Ensign to S. 160, the District of Columbia House Voting Rights Act of 2009, which would fully restore Second Amendment rights to the citizens of the District of Columbia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that active duty military personnel who are stationed or residing in the District of Columbia should be permitted to exercise fully their rights under the Second Amendment to the Constitution of the United States and therefore should be exempt from the District of Columbia's restrictions on the possession of firearms.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. Mr. Chairman, I rise tonight to urge my colleagues to support my nonbinding amendment, No. 39, which would express the sense of Congress that active duty military personnel who live in or are stationed in Washington, D.C. should be exempt from existing District of Columbia firearm restrictions.

Mr. Chairman, it is no secret that the District of Columbia has historically had some of the most restrictive firearm regulations in the Nation. In fact, in June of 2008, the Supreme Court—in the District of Columbia v. Heller case—ruled that the District's handgun ban and requirements that rifles and shotguns in the home be kept unloaded and disassembled or outfitted with a trigger lock is unconstitutional. In that decision it also said that the Second Amendment is applicable to an individual, not just a militia.

Well, just 1 month later, the District of Columbia enacted the Firearms Control Emergency Amendment Act of 2008, which places onerous restrictions on the ability of law-abiding citizens to possess firearms, thus violating the spirit, if not the letter, by which the Supreme Court of the United States ruled in D.C. v. Heller.

Mr. Chairman, there are approximately 40,000 servicemen and -women across all branches of the Armed Forces that either live in or they're stationed on active duty within the Washington, D.C. metropolitan area. Indeed, many of them are stationed at the Pentagon. Unless these individuals are granted a waiver as serving in a law enforcement role, they are subject to the District of Columbia's onerous and highly restrictive laws on the possession of firearms.

Mr. Chairman, there are servicemen and -women who have been prosecuted because of this unconstitutional prohibition, despite their training in the use of firearms. This is a travesty. Studies have clearly shown that firearms are a crime deterrent. The de facto handgun ban leaves law-abiding citizens unable to protect themselves from violent acts or individuals breaking the law.

This amendment recognizes that the D.C. handgun law, especially in regard to trained servicemen and -women, punishes individuals well equipped to protect themselves and others while emboldening perpetrators of violent crime. Mr. Chairman, if we trust these brave men and women to defend our country, why do we not trust them to legally exercise their Second Amendment rights?

I would like to note that the NRA is supportive of my amendment, and I reserve the balance of my time.

Ms. NORTON. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentlewoman from the District of Columbia is recognized for 5 minutes.

Ms. NORTON. Mr. Chairman, I rise in strong opposition to amendment No. 39. The amendment reflects a pattern by Republicans in the 112th Congress of singling out the District of Columbia for unique treatment and outright bullying.

There is no Federal law that exempts active military personnel in their personal capacities from otherwise applicable Federal firearms laws, except with respect to residency requirements, or from any State or local firearms laws. Yet the amendment expresses the sense of Congress that active duty personnel in their personal capacities should be exempt from gun laws only in one jurisdiction, the District of Columbia.

If the gentleman on the other side who sponsored this amendment believes that active duty personnel should be exempt from Federal, State, or local firearms laws, why did he not offer an amendment that would apply nationwide? Perhaps he did not offer such an amendment for the same reason that the Republican sponsor of H.R. 3808—to ban abortions for 20 weeks only in the District of Columbia, on which the House Judiciary Committee on the Constitution held a hearing today—did not introduce that same 20-week bill to apply nationwide. Or perhaps Republicans pick on the District because they think they can.

The proponents of this amendment, as well as the D.C. gun bill which would eliminate D.C.'s gun laws, live in the past, acting as if the changes the District has made in its gun laws after the Supreme Court Heller decision in 2008 had not happened, and as if a Federal district court and a Federal appeals court had not already upheld the constitutionality of the District's new gun laws. They act as if the Supreme Court's McDonald decisions in 2010 had never occurred.

□ 2330

In McDonald, the Court said that the Second Amendment does not confer ''the right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.''

This amendment represents the third attack by this Congress on the District's gun safety laws. Although the amendment is nonbinding, we will fight every attack on our rights as a local government, particularly when we are singled out for unequal treatment.

This amendment does nothing less than attempt to pave the way for actual inroads into the District's new gun safety laws. Republicans have been trying, this week, to use the District of Columbia to move issues they dare not propose for the Nation at large, instead of focusing on jobs. And our allies, our city, and I have spent the week fighting back equally hard.

The majority can expect a fierce fight from us whenever a bill degrades our citizens and treats them in any way as second-class citizens, as this bill proposes to do this very evening.

I reserve the balance of my time.

Mr. GINGREY of Georgia. Mr. Chairman, can I ask how much time I have remaining.

The Acting CHAIR. The gentleman from Georgia has 3 minutes.

Mr. GINGREY of Georgia. Mr. Chairman, I remind the gentlewoman from the District of Columbia that, first and foremost, this is a sense of Congress resolution, nonbinding resolution. It's not to be, in my opinion, Mr. Chairman, confused with any other ban or amendment that she referenced. It's certainly not to be confused with H.R. 645, a bill that would eliminate D.C.'s gun safety laws, which she was so concerned about in the last couple of years.

This is just simply saying, very clearly, Mr. Chairman, and especially to the governing body, the City Council and Mayor of the District of Columbia, look, we want to help you. We are recommending that you take this action. We're not forcing you to do this.

This is, again, as I say, a nonbinding resolution. It is just the sense of Congress, which, after all, has jurisdiction over the District of Columbia. We want to say to the governing body, we think it's a darn good idea for you to enact this waiver for these military men and women, 40,000 of them, as I say, stationed either in D.C., at the Pentagon, at Fort Myer in Virginia or Maryland, that have the ability and the training, the necessary judgment and mentality to actually help the 500,000 residents of the District of Columbia.

I don't think that my colleague and any colleagues on the other side of the aisle who might be in opposition to this, I think that opposition is misguided. They're missing an opportunity to support something that would be good, indeed, good for the safety of the people of the District of Columbia.

If we criminalize the possession of firearms, then it might be a trite and hackneyed expression, but only criminals then would have the right to bear arms.

Now, this bill that the District of Columbia passed in the aftermath of the Supreme Court decision, Heller v. District of Columbia, that upheld the Second Amendment rights for individuals and said that what law existed in the

District of Columbia was unconstitutional.

So they come up with some arcane, very difficult, almost impossible rules and regulations in regard to the possession of firearms so that they, de facto, make it impossible. So I urge my colleagues on both sides of the aisle, support this amendment, sense of Congress, nonbinding.

I yield back the balance of my time.

The Acting CHAIR. The gentlewoman has 45 seconds remaining.

Ms. NORTON. Mr. Chair, if this is such a benign amendment for the good of the District of Columbia, I can't imagine why the gentleman hasn't offered it for the Nation at large. Why help us when we haven't asked for your help? Why not help everybody?

Why not help people in Virginia? More of the Members of our Armed Services pass through Virginia than pass through the District of Columbia.

You don't want to help us. Nobody on that side has helped us this year. If you want to help us, come ask me first, and I'll tell you what kind of help we need.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was agreed to.

The Acting CHAIR. The Chair understands that amendment No. 41 will not be offered.

AMENDMENT NO. 42 OFFERED BY MS. LEE OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 42 printed in House Report 112–485.

Ms. LEE of California. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title X, add the following new section:

SEC. 1084. REDUCTION OF AUTHORIZATION OF APPROPRIATIONS.

(a) REDUCTION.—Notwithstanding any other provision of this Act, but subject to subsection (b), the President, in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator for Nuclear Security, shall make such reductions in the amounts authorized to be appropriated under this Act in such manner as the President considers appropriate to achieve an aggregate reduction of $8,231,100,000.

(b) EXCLUSIONS.—In carrying out subsection (a), the President shall not reduce the amount of funds for the following accounts:

(1) Military personnel, reserve personnel, and National Guard personnel accounts of the Department of Defense.

(2) The Defense Health Program account.

The Acting CHAIR. Pursuant to House Resolution 661, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE of California. Mr. Chairman, my amendment today is very straightforward. It would limit the Department of Defense funding to the amount authorized under the Budget Control Act of 2011. This would result in an $8 billion reduction in spending from the level authorized by the House Armed Services Committee.

The amendment is cosponsored by my colleagues, Representatives PAUL, WOOLSEY, STARK, BLUMENAUER, SCHRADER and FRANK, ranking member of the House Financial Services Committee and a long-time advocate for reasonable defense-spending reform.

As you know, Mr. Chair, last year Congress passed the Budget Control Act, which put in place spending caps on discretionary spending. Despite these statutory limitations, the House Armed Services Committee set overall military spending billions of dollars above what the Pentagon requested, or what was agreed to under the Budget Control Act.

While many of us did not support the discretionary caps under the Budget Control Act, our amendment simply brings Pentagon spending in line with the law. It does this while protecting our active duty military personnel and retirees. Let me repeat: not a single penny would come from active duty and National Guard personnel accounts, or from the defense health program.

The Pentagon budget already consumes almost 50 cents out of every discretionary dollar that we spend. And adding billions of unrequested dollars, at the expense of struggling families during the ongoing economic downturn, is just downright wrong.

So I ask my colleagues, if we are really concerned with the deficit, then vote for this amendment.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. I yield myself 1½ minutes.

This is a very clear opportunity to see the difference of the two sides of the aisle, how they feel about supporting the defense of our Nation. We have taken, with the Deficit Reduction Act, half of the savings has come out of defense. Less than 19 percent of the budget goes for defense, but half of the savings. So if we had a big pie and we had 19 percent of the spending comes out of defense; but then when we take the savings, we're taking half out of defense.

Mr. Chairman, if we continue to try to solve our deficit problem on the backs of our military, our troops, who's going to have our backs the next time we're attacked?

Over my lifetime, we have cut back the military after every war. This is the first time I've seen us cut back during the war.

We have troops right now going outside the wire, and they, when they get back to camp, they watch ''Fox News.'' I've been there. I've seen it.

□ 2340

They find out what's going on, and they listen to this debate, and they feel that there are some who don't have their backs. Well, it's not this side of the aisle.

Mr. Chairman, I reserve the balance of my time.

Ms. LEE of California. In reclaiming 30 seconds of my time, I just want to respond to the gentleman and say that that's further from the truth, what he just said.

First of all, our active duty troops in the field are covered by the Overseas Contingency Operations funds. Secondly, the Pentagon did not ask for this money.

I would like to yield 1 minute to the gentlelady from California (Ms. WOOLSEY).

Ms. WOOLSEY. I want to thank the gentlelady from California for bringing this amendment forward.

Mr. Chairman, I rise in strong support of this amendment, and I am proud to be a cosponsor and to show the difference between both sides of the aisle, because with all of the fiscal challenges that we face, it's just common sense that the most generously funded government agency, the Department of Defense, would tighten its belt just like everyone else.

Sure, my colleagues on the other side of the aisle are happy to cut and are big budget cutters when it comes to food stamps and Medicare and the safety net and anti-poverty programs. But when it comes to war and when it comes to weapons, they actually are the biggest spenders of all. I think the bare minimum we can ask is to keep the DOD budget at the level agreed to last year when we passed the Budget Control Act.

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. LEE of California. I yield the gentlelady an additional 10 seconds.

Ms. WOOLSEY. The majority is asking poor children, seniors, and women's health needs to make due with less. The same must apply to the Pentagon. Vote ''yes'' on the Lee-Frank amendment.

Mr. MCKEON. Mr. Chairman, I will just note that the President increased over $4.5 billion over the Deficit Reduction Act, and we went $3.7 billion more than the President's in order to protect TRICARE and some other others things for the troops.

At this time, I yield 2 minutes the chairman of the Budget Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the chairman for yielding.

Look, as the gentleman said, the President didn't ask for this amount of money. He asked for more money: in fiscal year 2012, $554 billion; the pre-sequester cap, $546 billion; the President's request, $551 billion. Our budget resolution was $554 billion. This bill, the base bill, is $548 billion. The gentlelady's amendment is $539.7 billion.

The gentlelady's amendment is cutting defense below the BCA caps, below the President's request. To the other gentlelady from California, all of these programs she mentioned are increasing.

The attempts that have been made by the majority have been to slow the rate of increase. This is being cut—real reductions in this category of spending—when all the other domestic spending is increasing, hopefully, at a slightly slower pace.

So let's remind ourselves that this is the first priority of the Federal Government. We are in war right now. The President, himself, and his budget are saying that we have to be higher for the safety and the security of our troops.

If the gentlelady's amendment passes, which actually brings it down below the BCA levels, then she is giving all the discretion to the executive branch, to the President, in order to decide how to allocate those dollars—ceding the power of the purse from the legislative branch to the executive branch—which is clearly not in our interest as guardians of the elected branch, the legislative branch of Congress.

Ms. LEE of California. First of all, sometimes we respectfully disagree with the President.

I think that this $8 billion in cuts to bring us back to the Budget Control Act of 2011 is reasonable given the very difficult times we are faced with now and the fact that, of all the government agencies, the Pentagon has benefited the most from generous funding. We've got plenty of outdated and unnecessary Cold War-era weapons systems that can and should be canceled. I think this is a reasonable amendment.

I would now like to yield 1 minute to the gentleman from Oregon (Mr. SCHRADER).

Mr. SCHRADER. Barely 10 months ago, we passed a bipartisan Budget Control Act to forestall a sovereign debt crisis. On Tuesday, our total national debt increased to over $15.7 trillion. Clearly, the problem we passed the BCA to address is getting worse, not better.

As our own military leaders have acknowledged again and again, our debt and deficits are the largest national security threat that our Nation actually faces. Backpedaling on the Budget Control Act, as suggested here, is irresponsible.

We need to be building on the fiscal foundations in order to provide for our children's futures and for the future of the military. We spend a lot of hours here talking about how much we can't afford to cut back military spending and not nearly enough time talking about how to prepare for the military of the future.

In my opinion, the smart military budget of the future emphasizes our National Guard. It has proven more than a ready reserve in the sands of Iraq and in the mountains of Afghanistan. The National Guard is an affordable strategic asset of a unique capability. The rising cost to our military is probably personnel. The National Guard will help reduce that cost 4–1.

Mr. MCKEON. I reserve the balance of my time.

The Acting CHAIR. The gentlewoman has 15 seconds remaining.

Ms. LEE of California. Let me yield the 15 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. In 15 seconds, I will simply say that this amendment is the least we can do. We should go with the Budget Control Act. The other side of the aisle says we haven't passed a budget. This is the effective budget. The fact of the matter is that we have doubled military spending, exclusive of Afghanistan and Iraq, in 10 years. We ought to start reducing it now.

Mr. MCKEON. How much time do I have remaining, Mr. Chairman?

The Acting CHAIR. The gentleman has 1 minute and 15 seconds.

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

Mr. Chairman, I wish we were wrong, and I would hope that they are right in that we could continue to cut defense—cut it to the bone, cut it to the marrow—and that we could just live one big, happy, paradisiacal life, but history shows that that isn't the way things work.

As Reagan said, it is important to have peace through strength. You will remember before he was elected, when President Carter tried to deal with the hostage situation in Iran, that our helicopters couldn't even fly across the desert. We'd cut back the military so far that we had a hollow military.

There is a lot of talk about General Eisenhower and about President Eisenhower, and the thing he said, ''Beware of the military-industrial complex.'' He also said we have to have a very strong military because, if we don't, someone will take advantage of us. We have to be so strong that they're afraid to attack us for fear of annihilation.

I was talking to one of our leading military leaders just a few months ago. Mr. SMITH was in the meeting also. At the end of the meeting, he looked at me, and he said, In my 37 years, I've never seen a time more dangerous.

If we are right and if we go through with all of these cuts and hollow out our military, we are talking about cutting $100 billion a year for the next 10 years.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. LEE of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

□ 2350

AMENDMENT NO. 45 OFFERED BY MR. GOHMERT

The Acting CHAIR. It is now in order to consider amendment No. 45 printed in House Report 112–485.

Mr. GOHMERT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 366, line 16, strike ''**HABEAS CORPUS RIGHTS**'' and insert ''**RIGHTS UNAFFECTED**''.

Page 366, line 17, strike ''Nothing'' and insert ''(a) RULE OF CONSTRUCTION.—Nothing''.

Page 366, line 21, insert ''or to deny any Constitutional rights'' after ''habeas corpus''.

Page 366, line 23, strike ''person who is detained in the United States'' and insert ''person who is lawfully in the United States when detained''.

Page 366, line 25, insert ''and who is otherwise entitled to the availability of such writ or such rights'' before the period.

Page 366, after line 25, insert the following:

(b) NOTIFICATION OF DETENTION OF PERSONS UNDER AUTHORIZATION FOR USE OF MILITARY FORCE.—Not later than 48 hours after the date on which a person who is lawfully in the United States is detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note), the President shall notify Congress of the detention of such person.

(c) HABEAS APPLICATIONS.—A person who is lawfully in the United States when detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) shall be allowed to file an application for habeas corpus relief in an appropriate district court not later than 30 days after the date on which such person is placed in military custody.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Texas (Mr. GOHMERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GOHMERT. Mr. Chairman, at this time, I yield 1 minute to the gentleman from Virginia (Mr. RIGELL).

Mr. RIGELL. I thank the gentleman for yielding, and I rise in strong support of the amendment and thank my colleagues—Mr. LANDRY, Mr. GOHMERT, and Mr. GOODLATTE—for their hard work and their strong leadership on this important issue. I also want to thank the chairman for incorporating the Rigell-Landry bill in the underlying bill, the Right to Habeas Corpus Act.

The amendment before us this evening provides absolute clarity that every American has full protection under, and access to, the Great Writ of Habeas Corpus. Specifically, it requires that a detained person has the ability to file an application for habeas corpus relief in an appropriate district court no later than 30 days after the date on which the person was placed in military custody.

Further, it requires that the administration—current and those to follow—that Congress is notified within 48 hours of a person having been detained under the AUMF in the United States.

The 30-day access to habeas corpus and the 48-hour reporting requirement strengthen the underlying bill. They strengthen liberty.

I urge my colleagues to support this amendment.

Mr. SMITH of Washington. Mr. Chair, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. I yield myself 1 minute and 15 seconds.

Three quick points:

First of all, habeas has already been guaranteed by the Constitution. There were those who accused last year's defense bill of having stripped habeas, but it didn't, so guaranteeing habeas does nothing to further protect the rights of individuals. That's first of all.

Second of all, the bill itself, the way it is worded, which is to say: Nothing shall be construed to deny the availability of the writ of habeas corpus or deny any constitutional rights in a court ordained or established by or under article III of the Constitution for any person who is lawfully in the United States when detained.

It has been ruled constitutional to place people in military custody, to hold them indefinitely. This amendment does not eliminate the right to hold people indefinitely or place them in military custody. It does not do what the next amendment—my amendment—actually does, which is protects those rights.

Third, I find it interesting that the authors of this amendment think that it does. They think that basically this will protect from indefinite detention and from military custody any person lawfully in the United States. At the same time, they are arguing that our amendment that clearly does that for everybody is giving rights to terrorists. What they are doing here, by their own admission—and I disagree with that argument. By their own argument, they are perfectly okay with giving rights to terrorists as long as they're lawfully in the United States. If they are not, that's a big problem.

I will expand upon that argument later.

I reserve the balance of my time.

Mr. GOHMERT. Mr. Chairman, at this time, I would yield 1 minute to my friend from Louisiana, also a cosponsor of this bill, Mr. LANDRY.

Mr. LANDRY. Mr. Chairman, I rise as a proud member of the Tea Party. I opposed the debt ceiling. I opposed some of the CRs. I opposed our involvement in Libya. I'm a strict constructionist when it comes to the Constitution. When I joined this body, I raised my hand to God and swore to uphold the Constitution and protect it from all threats both foreign and domestic. I am a veteran.

With this oath, my duty to protect our citizens' liberties is matched by my duty to protect their lives. That is exactly what the text of this bill, when combined with this amendment, does. It ensures that every American has access to our courts and ensures that they will not be indefinitely detained.

Equally important, our amendment does not harm our Armed Forces' ability to protect this Nation. Unfortunately, some in this body choose to believe that our soil here is not a battlefield in a war on terror. They want to treat the al Qaeda cell in Seattle differently or better than the al Qaeda cell in Yemen.

To yield to these Members to adopt their view does nothing to protect the liberties of our citizens. It only harms their safety. For that reason, I urge them to adopt this amendment.

Mr. SMITH of Washington. I would just again point out that he wants to protect the al Qaeda cell here as long as they are lawfully in the U.S. It doesn't make any sense.

I yield 1 minute and 45 seconds to the gentleman from Michigan (Mr. AMASH).

Mr. AMASH. I have a tremendous amount of respect for my colleagues, Mr. GOHMERT and Mr. LANDRY and Mr. RIGELL. I think their amendment is very well intentioned, and they care very deeply about this issue. I've had many conversations with them about it.

But the first part of the amendment does nothing. It says the AUMF does not deny habeas corpus or any constitutional rights for any person who is detained in the United States who is otherwise entitled to the availability of habeas corpus or such constitutional rights. In other words, if you have constitutional rights, you have constitutional rights.

The second part of the amendment might be harmful. It says:

> Persons detained by the military are allowed to file a habeas petition not later than 30 days after the date on which such person is placed in military custody.

First, the Constitution already gives detainees the power to file a habeas at the moment they are detained. At best, the 30-day window does nothing; and at worst, it can be read to allow the government to deny habeas for 29 days or to deny habeas if the petitioner didn't file until after 30 days.

So I would like to express my disapproval of the amendment.

Mr. GOHMERT. Mr. Chairman, at this time, I would like to yield 40 seconds to another cosponsor of this amendment, the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. Mr. Chairman, I appreciate Mr. AMASH's efforts to protect liberty.

Let us be clear, there should be no ambiguity when the constitutional rights of U.S. citizens are at risk. The fear that Americans have over indefinite detention is well-founded. We have the obligation, and now the opportunity, to be crystal clear in this language, and I believe that this amendment moves this NDAA in the right direction of protecting these cherished constitutional rights.

I urge support of this amendment.

Mr. SMITH of Washington. Mr. Chair, how much time do I have left?

The Acting CHAIR. The gentleman from Washington has 2½ minutes remaining.

Mr. SMITH of Washington. I will yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this amendment asserts that it intends to protect the right of habeas corpus, which is to say the right to get into court. But the problem is not habeas. It's not the right to get into court. That is granted by the Constitution. The problem is what you can assert once you get into court. It says nothing about that. It says nothing about the circumstances in which individuals might actually be subject to military detention when arrested within the territory of the United States.

It's actually dangerous. It narrows constitutional rights because it narrows the scope of the statutory habeas corpus protection to individuals lawfully in the United States when detained as opposed to those detained in the United States. Someone with questionable immigration status might not have any habeas rights under this amendment.

Secondly, as Mr. AMASH pointed out, by saying that you can file it not later than 30 days, it could be read to say that, unlike current law where you can file habeas the moment you're detained, you have to wait 30 days, or you might not be able to file after 30 days.

So it's an affirmatively dangerous amendment. It narrows the right to habeas corpus, and it doesn't do anything to protect the real problem here, which is not habeas. That was never the problem.

The real problem is the right of detention, when you get into court through habeas and the court says, You have no rights, because indefinite detention is permitted. That's the problem we ought to be dealing with. This amendment doesn't deal with it, and it makes the habeas arguably more difficult and more narrow.

If we value due process and if we value liberty, this amendment should be defeated.

Mr. GOHMERT. At this time, I reserve the balance of my time.

I do have the right to close; is that correct?

The Acting CHAIR. The gentleman from Washington has the right to close.

Mr. SMITH of Washington. Mr. Chairman, I will yield myself the balance of our time.

The Acting CHAIR. The gentleman is recognized for 1 minute.

Mr. SMITH of Washington. This amendment is pure and simply a smokescreen. The proponents of this amendment believe that the President of the United States should have the power to indefinitely detain people in the U.S. They believe that these people should be placed in military custody. I wish we could have that debate, and we will to some extent on the next amendment.

This was offered as a smokescreen to give people who want to claim that civil liberties are their top priority someplace to hide. It doesn't protect any rights whatsoever. It was pure and simply offered as a smokescreen.

Let's have the debate on the next amendment about whether or not the President of the United States should have this extraordinary amount of power to indefinitely detain or place in military custody or military tribunals people captured or detained within the United States. I, as I will explain in the next amendment, don't believe that that extraordinary amount of power is necessary to keep us safe. I think it is an amazing amount of power to give a President over the individual freedom, to give the government the power to take away someone's individual freedom without the due process rights that have been developed in our Constitution and our court system.

This amendment doesn't change that. Vote it down. Let's have a real debate on the next amendment.

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Mr. GOHMERT. Mr. Chair, the issue here is, do you want to fix the possible problems with the Authorization for Use of Military Force back in 2001 when all of the cosponsors were not even here and possibly the NDAA? Or do you want to extend new rights that are not constitutionally required? Because those of us that have sponsored this amendment want to fix the possible problem of inappropriate detention. That's why this amendment was offered.

I take a particular affront because I do not question the motivation of the gentleman from Washington (Mr. SMITH). I know the gentleman from Michigan (Mr. AMASH). We've stood alone on too many bills together. I know their intent is good.

This is not a smokescreen. This is intended to fix a problem. In the underlying bill that came before the floor, it has a fix for habeas corpus in paragraph A. I added the provision that gets us to where we were before the AUMF. That's what I wanted to fix, not as a smokescreen. But what this does is say, if you had these constitutional rights before the AUMF, you've still got them now. And nothing in the AUMF, nothing in the former NDAA, nothing in the new NDAA can change that. You have those rights.

I understand we don't have CARE supporting this amendment as they do the following proposed amendment. But listen, what this would do if the subsequent amendment wins instead of this one, you are giving rights to people illegally in this country, for example, to people who are foreign terrorists, who sneak their way in here and kill people, rights that immigrants who are undocumented don't have.

People say, Gee, we have a right to an article III court. This Congress has the right to never create an article III court. No one in America has the right to an article III court. This Congress has a right under article I, section 8 to create or not create inferior courts.

I'm glad we created them. I would say we should if we didn't. But the right is to go back to where we were before the AUMF. That's what this amendment does, and we appreciate the support of Heritage and The Wall Street Journal in saying that the subsequent amendment is not the way to go, extending additional rights. Let's fix the problem, and this amendment does that.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. GOHMERT).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SMITH of Washington. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 46 OFFERED BY MR. SMITH OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 46 printed in House Report 112–485.

Mr. SMITH of Washington. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle D of title X, add the following new section:

SEC. 1044. DISPOSITION OF COVERED PERSONS DETAINED IN THE UNITED STATES PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

(a) SHORT TITLE.—This section may be cited as the ''Due Process and Military Detention Amendments Act''.

(b) DISPOSITION.—Section 1021 of the National Defense Authorization Act for Fiscal Year 2012 is amended—

(1) in subsection (c), by striking ''The disposition'' and inserting ''Except as provided in subsection (g), the disposition''; and

(2) by adding at the end the following new subsections:

''(g) DISPOSITION OF PERSONS DETAINED IN THE UNITED STATES.—

''(1) PERSONS DETAINED PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE OR THE FISCAL YEAR 2012 OR 2013 NATIONAL DEFENSE AUTHORIZATION ACTS.—In the case of a covered person who is detained in the United States, or a territory or possession of the United States, pursuant to the Authorization for Use of Military Force, this Act, or the National Defense Authorization Act for Fiscal Year 2013, disposition under the law of war shall occur immediately upon the person coming into custody of the Federal Government and shall only mean the immediate transfer of the person for trial and proceedings by a court established under Article III of the Constitution of the United States or by an appropriate State court. Such trial and proceedings shall have all the due process as provided for under the Constitution of the United States.

''(2) PROHIBITION ON TRANSFER TO MILITARY CUSTODY.—No person detained, captured, or arrested in the United States, or a territory or possession of the United States, may be transferred to the custody of the Armed Forces for detention under the Authorization for Use of Military Force, this Act, or the National Defense Authorization Act for Fiscal Year 2013.

''(h) RULE OF CONSTRUCTION.—This section shall not be construed to authorize the detention of a person within the United States, or a territory or possession of the United States, under the Authorization for Use of Military Force, this Act, or the National Defense Authorization Act for Fiscal Year 2013.''.

(c) REPEAL OF REQUIREMENT FOR MILITARY CUSTODY.—

(1) REPEAL.—Section 1022 of the National Defense Authorization Act for Fiscal Year 2012 is hereby repealed.

(2) CONFORMING AMENDMENT.—Section 1029(b) of such Act is amended by striking ''applies to'' and all that follows through ''any other person'' and inserting ''applies to any person''.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Washington (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. SMITH of Washington. Mr. Chair, I yield myself 1 minute.

First of all, the previous amendment doesn't say anything about pre-2001. As the gentleman from Michigan (Mr. AMASH) correctly stated, it says, If you have constitutional rights, you have them. It doesn't say anything about restoring them prior to 2001. It doesn't address the issue, and I apologize. I do not question Mr. GOHMERT's motives. I suspect that's what he wanted to do. That's not what his amendment does.

If you want to protect the rights of people in this country, then you need to support this amendment, the Smith amendment. And this is a very important debate.

Back in 2001, we passed the authorization for the use of military force. Post-9/11, it made sense, I think, to be careful, to give the President the power he needed to protect us. But what we've learned in the last 10 years is one power that he does not need is the power to indefinitely detain or place in military custody people here in the United States. Our justice system works. The Department of Justice works. The FBI works. They have arrested, convicted, and locked up over 400 terrorists and have gotten all kinds of actionable intelligence out of them.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SMITH of Washington. I will yield myself an additional 15 seconds.

This is an extraordinary amount of power to give to the President, to give the government the power to take away an individual's rights and lock them up with nothing more than one quick court hearing, without the due process rights protection in our Constitution. It's not needed. This is our opportunity to repeal it.

I reserve the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. LANDRY).

Mr. LANDRY. Mr. Chairman, this amendment turns the global fight on terror into a CSI investigation.

On its face, the supporters will say exactly, but let's see the results. The mission of those who fight the war on terror, now it's how do we prevent acts of terror from inflicting billions of dollars of damages to save lives?

You see, our law enforcement and prosecutorial system in this country is, by nature, an after-the-fact determination, meaning, we rarely have the ability to arrest a potential murderer until after he commits the crime. The deterrent is the length of the sentence for the murder that deters people from trying to harm or kill another.

That's not the case in terrorism. We set the punishment level to the severity of the crime. But the level under terrorism, there's no known level. What deters a person from flying a plane into a building? So how does passing this amendment protect the furtherance of that crime or would we simply be satisfied with investigating after the fact?

Mr. SMITH of Washington. I would point out that our Justice Department has arrested countless terrorists before they act by discovering their plots and stopping them. That is what they're designed to do, and it's what they've done quite effectively.

I yield 1½ minutes to the gentleman from Michigan (Mr. AMASH).

Mr. AMASH. Mr. Chair, the frightening thing here is that the government is claiming the power under the Afghanistan Authorization for Use of Military Force as a justification for entering American homes to grab people, indefinitely detain them, and not give them a charge in a trial. That's the frightening thing. That's the thing that the Smith-Amash amendment fixes. It's the only amendment that does it.

I sometimes hear this strange argument that the Constitution applies only to citizens, not persons. If you read the Fifth and 14th Amendments, it applies to persons. Those are the amendments that provide for due process. James Madison said the Constitution applies to persons. And logic dictates that the Constitution applies to persons. It applies to noncitizens.

Is the government allowed to make noncitizens worship a State religion? Is the government allowed to take noncitizens' property without compensation? Can the government quarter troops in noncitizens' homes? Can the government conduct unreasonable searches and seizures on noncitizens' homes? Of course not. That's ridiculous. Everybody here understands that's ridiculous. No one disputes that all persons in the U.S. are covered by the Constitution.

HASC claims to protect persons. The House Armed Services Committee in the NDAA claims to protect persons with respect to habeas. The Gohmert amendment claims to protect persons, not citizens. And the Smith-Amash amendment protects persons. It's a phony argument.

The Smith-Amash amendment is the only amendment that will protect citizens.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SMITH of Washington. I yield the gentleman an additional 15 seconds.

Mr. AMASH. We have a very clear choice here. A Federal court has ruled section 1021 in the NDAA unconstitutional. There is one amendment that fixes it. Will you do it? And if you don't, how will you explain it to your constituents?

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WEST), a distinguished member of the committee.

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Mr. WEST. I rise in opposition to this amendment.

I find it very interesting that back in 1942, when there were German Nazi saboteurs that were captured off the coast of Long Island, that they were prosecuted in a military commission. One of them was sentenced to 30 years imprisonment; others were sentenced to death. And I understand that this is a different type of battlefield that we're on, the 21st century battlefield. We're all on this battlefield. No one would have ever thought that Major Malik Nadal Hasan would stand in Fort Hood, Texas, and shoot 43 Americans and 13 of those would be killed.

I find that we have to understand that we are at a war. We are not in a police action. We cannot look to guarantee to those who seek to harm us the constitutional rights that are granted to Americans. If we extend that to them, then we are starting to say that this war on terror, now it's a criminal action.

And I find it very interesting that a sponsor of this amendment is the Council for American Islamic Relations, which is an unindicted coconspirator for the largest terrorist financing act here.

So I say we should not support this amendment.

Mr. SMITH of Washington. I point out that only Members of Congress are allowed to sponsor amendments. Nobody outside of that has sponsored this.

I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, last year I argued in opposition to sections 1021 and 1022 of the NDAA, that they went far beyond the AUMF to suggest that the President has the authority to detain U.S. citizens indefinitely without charge.

This amendment prohibits the detention without charge of any person arrested or detained in the United States and is the first step toward restoring due process. It's a good first step, but its scope is limited to U.S. soil and to the present AUMF. We should do more. That's why I've introduced the No Detention Without Charge Act, which would not only prohibit detention without charge of people arrested in the United States, but would also prohibit the detention of any person anywhere indefinitely, except to the extent permitted by the Constitution and the law of war, and it would restore meaningful right of action for detainees to challenge the legality of their detention.

The notion that the United States should conduct itself according to the Constitution and the law of war should not be controversial. Smith-Amash takes the first step—and I have proposed the next—towards affirming our values and securing our liberty. If we are going to address indefinite detention, we must do so directly.

I urge my colleagues to support the Smith-Amash amendment and to sign on as cosponsors of my bill.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. We hear repeatedly people say persons are entitled to their constitutional rights, and, yes, they are.

When I was in the Army for 4 years, I was entitled to constitutional rights, but I had no right to freedom of speech. I had no right to freedom of assembly. There were a lot of people in the military that would rather not assemble at 5 a.m. in the morning, but you don't have that constitutional right.

The same way with immigrants. Immigrants do not have all of the rights under the Constitution that others do.

What we're saying is that people who are terrorists and kill Americans on American soil should not have more rights than an immigrant who is here peaceably but that is subject to the laws and subject to detention without going to an article III court. There are constitutional rights, yes, but not everyone under the Constitution has the same rights. Ask somebody in the military.

So I implore my colleagues, please do not give foreign terrorists on our soil more rights than our own military has under the Constitution.

Mr. SMITH of Washington. I would like to submit for the RECORD a statement from retired JAG officers explaining the difference in the Uniform Code of Military Justice.

RETIRED JAGS SPEAK OUT AGAINST NDAA MISINFORMATION

(For Immediate Release: May 17,. 2012)

Washington, DC—In response to comments from members of Congress suggesting that the Smith-Amash Amendment to the National Defense Authorization Act for the 2013 Fiscal Year would give suspected terrorists more rights than members of the U.S. armed forces, Rear Admiral john D. Hutson (ret.) and Donald Guter, former Judge Advocate Generals of the Navy, and Thomas Romig, former Judge Advocate General of the Army, issued the following statement:

''It reveals a fundamental misunderstanding of our military justice system to

suggest that by providing terrorism suspects with Article III civilian court trials, they would be getting 'better rights' than our own military. Our courts-martial system under the Uniform Code of Military Justice (UCMJ) has a special, constitutionally recognized role in maintaining good order and discipline in the military. It is not designed anyone other than members of the U.S. armed forces or those accompanying them in the field. The Smith-Amash amendment is a modest, bi-partisan approach to protecting constitutional values that ought to draw support from all members of Congress, including those who support our military justice system.''

I yield 1 minute to the gentleman from Virginia (Mr. GRIFFITH).

Mr. GRIFFITH of Virginia. Ladies and gentlemen, the problem is that folks want to always talk about the terrorists, and absolutely we all should be concerned about the terrorists. But how about the citizens of the United States who have to worry about now being arrested when they don't know what it is they've done wrong?

In the court case that set aside 1021 just yesterday, the court points out that, they ask: Can you tell me what it means to substantially support associated forces? The representative of the government says: I'm not in a position to give specific examples. The court says: Give me one. And the gentleman, the representative of the government, says: I'm not in a position to give one specific example.

The problem is that we have citizens who may be caught up unintentionally by this bill or by 1021. We must protect the citizens of the United States from an overreaching bill that has been ruled unconstitutional.

And what else is interesting is the definitions aren't in 1021. The court points out in that case that in 18 U.S.C. 2339 and 2339(a) there are definitions. We need definitions. We cannot leave liberty to inference.

Mr. THORNBERRY. Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Washington. Can I inquire as to how much time is remaining?

The Acting CHAIR (Mr. JOHNSON of Ohio). The time of the gentleman from Washington has expired.

Mr. THORNBERRY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I appreciate Mr. SMITH's earlier acknowledgment that last year's NDAA did not take away rights of Americans. The Gohmert amendment, which we debated, I think removes all doubt and actually adds some extra procedural safeguards to make sure that Americans' rights are absolutely protected.

To his credit, Mr. SMITH's amendment, as he admits, does change the law from what it's been not only the past 11 years, but it changes the law from what it's been basically since World War II. And my suggestion is that we all ought to be very careful about changing the law.

With the exception of Fort Hood and the Little Rock shooting, we have gone 11 years without a successful terrorist attack here in the United States. There are a lot of reasons for that. But part of the reason is the legal framework that has given the tools to the military, the intelligence community, and law enforcement that have all made that possible.

Mr. SMITH's amendment changes that, and the biggest way it changes it is that it automatically gives foreigners constitutional rights that we all have thought of as belonging to Americans. So the second that a foreign terrorist, a member of al Qaeda, sets foot on U.S. soil, he is told: You have the right to remain silent. You have the right to an attorney. If you can't afford one, one will be provided to you.

Now, that is a significant change.

The gentleman from Washington says, well, look, our criminal justice system works all the time. And it is true; we can prosecute people. But the key here, as Mr. LANDRY said, is not just prosecuting people after they have committed their acts or after their bomb has failed to blow up, if we're lucky. The point is to prevent those attacks. That means have you to get the information from them. And that means, if you say, You have the right to remain silent, it is going to be harder to get that information from them. And we're talking about foreigners here.

American citizens absolutely have the right to contest their detention. No American citizen will ever be tried in a military commission. Any American citizen has the right to contest his detention. To keep us safe, this amendment must be rejected.

MAY 9, 2012.

Hon. HOWARD P. MCKEON,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN MCKEON: As former government officials with significant national security experience, we write to you in support of provisions that were included in the National Defense Authorization Act (NDAA) for Fiscal Year 2012 relating to the detention of enemy combatants. As the House will soon begin consideration of the NDAA for Fiscal Year 2013, we also write to address misconceptions about the FY12 provisions and efforts by others to exploit those misconceptions.

Importantly, the FY12 NDAA included an affirmation of the detention authority provided by the 2001 Authorization for Use of Military Force (AUMF). Given the President's plan to withdraw U.S. combat forces from Afghanistan and the continuing threat posed by groups like al Qaeda in the Arabian Peninsula, this affirmation was a critical step in reinforcing the military's legal authorities to combat terror.

Some have argued that the FY 12 NDAA's affirmation of detention authority altered the status quo, and is an ''expansion'' of the power of the federal government. This is false.

The FY12 NDAA explicitly states that ''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 persons who are captured or arrested in the Unites States.''

As the Heritage Foundation recently wrote, ''The NDAA has not impacted the conditions under which a U.S. citizen may (or may not) be detained . . . The law regarding how U.S. citizens are handled, including the right to habeas corpus, is the same today as it was the day before it [the NDAA] was passed.'' The detainee provisions of the NDAA merely codified existing case law related to detainees, period.

On September 18, 2001, Congress passed the AUMF, which authorizes the President to ''use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons . . .''

As you are well aware, the law of armed conflict, also called the law of war, allows for a country engaged in armed conflict to detain the enemy for the duration of hostilities. That age old principle existed well before September 11, 2011 and is a right that all countries must retain during a time of war. Furthermore, the law of armed conflict does not discriminate between enemy combatants who are citizens of the United States and those that are not. Any citizen who joins al Qaeda or its affiliates is properly classified as an unlawful enemy combatant and may be treated as such. We find the notion propagated by some, that a citizen who has nothing to do with al Qaeda could be picked up off an American street and detained by the military, to be ridiculous.

In 2004, the U.S. Supreme Court recognized in Hamdi v. Rumsfeld that the United States had the legal authority to detain a U.S. citizen captured fighting alongside the Taliban in Afghanistan who was later detained in the United States pursuant to the AUMF. However, the Supreme Court made it clear that such detainees must have the right to challenge the legality of their detention before a federal judge. The Court noted that ''[a]bsent suspension, the writ of habeas corpus remains available to every individual detained within the United States.''

As you know, several members of Congress have introduced legislation relating to the detainee provisions in the FY12 NDAA. Representative Scott Rigell recently introduced H.R. 4388, the ''Right to Habeas Corpus Act,'' which would affirm the right of any person detained in the United States pursuant to the AUMF to challenge the legality of their detention in an Article III court. Representative Rigell's bill is entirely consistent both with the FY12 NDAA and existing case law.

Unfortunately, other members of Congress have introduced proposed legislation that would instead erode the authorities provided by the AUMF and limit the military's ability to pursue terrorists. For instance, Representative Adam Smith and Senator Mark Udall have introduced legislation that would prevent the President from ever detaining anyone, including foreign terrorists, in the United States pursuant to the AUMF. Representative John Garamendi and Senator Dianne Feinstein have introduced similar legislation that would leave it up to Congress to decide when the President has the authority to detain U.S. citizens who have joined the enemy.

It is highly questionable whether either of these proposed pieces of legislation would be constitutional as they would deprive any president of lawful options that he may need in order to fulfill his constitutional duties as commander in chief to defend the United States and protect American citizens. Rewarding terrorists with greater rights for making it to the United States would actually incentivize them to come to our shores, or to recruit from within the United States, where they pose the greatest risk to the American people. Such a result is perverse.

Although we believe the FY12 NDAA detainee provisions, read along with the AUMF

and pertinent case law is clear, we understand the urge to affirm the availability of habeas corpus rights of any terrorist captured in the United States. Should that affirmation be necessary to erase doubts, we would respectfully encourage you to consider incorporating the language from Representative Rigell's ''Right to Habeas Corpus Act'' in the FY13 NDAA to address misconceptions and to defend against these other attempts to undermine the critical wartime authorities provided by the AUMF.

As the House begins consideration of the NDAA for Fiscal Year 2013, we urge you to ensure that attempts to exploit misconceptions about the NDAA are not successful in harming U.S. national security.

Sincerely,

Edwin Meese III, Former U.S. Attorney General; Michael B. Mukasey, Former U.S. Attorney General and Former U.S. District Judge; Michael Chertoff, Former Secretary of Homeland Security; Steven G. Bradbury, Former Acting Assistant Attorney General and Principal Deputy AAG, Office of Legal Counsel, U.S. Department of Justice; Daniel J. Dell'Orto, Former Principal Deputy General Counsel, Department of Defense; David Rivkin, Former Deputy Director, Office of Policy Development, U.S. Department of Justice; Charles D. Stimson, Former Deputy Assistant Secretary of Defense For Detainee Affairs and Former Assistant US Attorney, District of Columbia; Paul Butler, Former Principle Deputy Assistant Secretary of Defense, SOLIC and Former Assistant US Attorney, SDNY; Steven A. Engel, Former Deputy Assistant Attorney General Office of Legal Counsel, U.S. Department of Justice; Paul Rosenzweig, Former Deputy Assistant Secretary for Policy and Acting Assistant Secretary for International Affairs, Department of Homeland Security.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. SMITH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SMITH of Washington. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

AMENDMENT NO. 47 OFFERED BY MR. DUNCAN OF SOUTH CAROLINA

The Acting CHAIR. It is now in order to consider amendment No. 47 printed in House Report 112–485.

Mr. DUNCAN of South Carolina. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle D of title XII of division A of the bill, add the following:

SEC. 12xx. LIMITATION ON FUNDS FOR INSTITUTIONS OR ORGANIZATIONS ESTABLISHED BY THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA.

None of the funds authorized to be appropriated by this Act may be made available for any institution or organization established by the United Nations Convention on the Law of the Sea, including the International Seabed Authority, the International Tribunal for the Law of the Sea, and the Commission on the Limits of the Continental Shelf.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from South Carolina (Mr. DUNCAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. DUNCAN of South Carolina. First, let me say that there is centuries-old precedence of international law governing the navigational rights in territorial waters and navigation through the straits around the globe. The U.N.'s Convention on the Law of the Sea was submitted to the United States Senate for its advice and consent in adherence to the United States Constitution 30 years ago in the 1980s, but the United States Senate has consistently refused to support it.

The U.N. Convention on the Law of the Sea threatens the United States' national security interests and subordinates United States sovereignty to the global bureaucracy known as the United Nations.

□ 0020

It threatens U.S. sovereignty under part XV by subjecting U.S. companies to mandatory dispute settlements and costly lawsuits by creating an unaccountable International Seabed Authority, ISA, to make rules that the U.N. Convention on the Law of the Sea members must follow. In addition, these rules may be changed by the ISA over the objection of any signatory nation.

It threatens U.S. military priorities because the U.S. Navy could find itself subject to international dispute resolution for its military activities in a nation-state's exclusive economic zones because article 288 does not define ''military activity.'' An example here might be the restriction, not the enhancement, of the free movement of United States Navy vessels in areas such as the South China Sea where we see China attempting to extend its territorial waters into areas such as the Spratly Islands.

You talk about redistribution of the wealth, it threatens U.S. foreign policy objectives because article 82 requires the revenue given to the ISA be distributed to the U.N. Convention on the Law of the Sea members. No transparency exists—as it doesn't in most U.N. policies—but no transparency exists on how countries use the funds, and nothing prevents the ISA from redistributing U.S. revenue to state sponsors of terrorism or undemocratic regimes with human rights abuses.

It threatens the U.S. economic interests. The U.N. Convention on the Law of the Sea provides for international revenue sharing from the exploitation of resources taken from the deep seabed—nickel, copper, cobalt are just some of the few, as well as oil and gas taken from the extended continental shelf. Now, this brings into question offshore and deep sea energy production and the question of whether we really want to turn over regulatory authority of these potential assets to the United Nations.

In addition, the Law of the Sea treaty could also potentially subject United States rivers and lakes to international jurisdiction where U.S. waterways meet international waters.

The Law of the Sea treaty would, in essence, turn the United States Navy into a policing arm of the United Nations, since we have the largest and most capable Navy in the world.

My amendment would protect the United States Navy, the United States military chain of command, authority of the Secretary of the Navy, Secretary of Defense, Commander in Chief, the Uniform Code of Military Justice, and the constitutional requirements of the U.S. Congress. My amendment limits American tax dollars to any institution or organization established by the U.N.'s Convention on the Law of the Sea, and I encourage the Members' support, and I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. I yield myself such time as I may consume. I'll be very brief.

For the last 20 years, every single chief of Naval operations, Chairman of the Joint Chiefs, and other military officers have supported this treaty because they recognize that it gives us greater protections in an increasingly complicated world.

So I would urge opposition to this amendment that would undermine that Law of the Sea. It does not turn over the power to the United Nations. It creates a treaty that gives us a framework for dealing with what is an increasingly difficult set of issues.

China, absent this treaty, could, in fact, make greater claims in the South China Sea and elsewhere, and we would not have the same amount of power to oppose them. So please oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. DUNCAN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SMITH of Washington. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina will be postponed.

AMENDMENT NO. 48 OFFERED BY MR. COFFMAN OF COLORADO

The Acting CHAIR. It is now in order to consider amendment No. 48 printed in House Report 112–485.

Mr. COFFMAN of Colorado. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title XII, add the following new section:

SEC. 12___. REMOVAL OF BRIGADE COMBAT TEAMS FROM EUROPE.

(a) FINDING.—Congress finds that, because defense spending among European NATO countries fell 12% since 2008, from $314 billion to $275 billion, so that currently only 4 out of the 28 NATO allies of the United States are spending the widely agreed-to standard of 2% of their GDP on defense, the United States must look to more wisely allocate scarce resources to provide for the national defense.

(b) REMOVAL AUTHORIZED.—The President is authorized and requested to end the permanent basing of units of the United States Armed Forces in European member nations of the North Atlantic Treaty Organization and return the four Brigade Combat Teams currently stationed in Europe to the United States.

(c) USE OF ROTATIONAL FORCES TO SATISFY SECURITY NEEDS.—It is the policy of the United States that the deployment of units of the United States Armed Forces on a rotational basis at military installations in European member nations of the North Atlantic Treaty Organization pursuant to the Army Force Generation (ARFORGEN) process is a force-structure arrangement sufficient to permit the United States—

(1) to satisfy the commitments undertaken by United States pursuant to Article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964);

(2) to address the current security environment in Europe; and

(3) to contribute to peace and stability in Europe.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Colorado (Mr. COFFMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. COFFMAN of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, maintaining four brigade combat teams in Europe is an example of the kind of wasteful spending that should be cut from the Federal Government.

This is the fourth time I've offered an amendment to reduce U.S. troop levels in Europe, and it has received more support on the floor of the House each time. I want to thank my colleague from Colorado (Mr. COFFMAN) for his leadership efforts in offering this amendment with me this year. I'm hopeful this amendment's clear logic, obvious nature, and bipartisan support will lead the House to adopt it.

This amendment, very simply, will bring troops home from Europe. Basing these forces in the U.S. rather than Europe will cost 10 to 20 percent less and maintain the flexibility and infrastructure for global operations necessary in today's world. The amendment would also authorize the Pentagon to close bases across Europe that are no longer necessary.

In the wake of World War II and the Cold War, stationing troops in Europe made sense. We were holding the line against the Soviet Union and Warsaw Pact and meeting our obligations to NATO. But the Soviet Union ceased to exist 20 years ago. If we didn't have these bases in Europe, we'd have to ask ourselves: Would we be setting bases up in Europe today to combat the global war on terrorism?

Our troop commitment in Europe needs to be reexamined. Our European allies are some of the richest countries in the world, so why are we subsidizing their defense? The average American spends over $2,500 on defense; the average European, about $500.

With modern technology, we can move troops and weapons quickly across the world to meet our NATO commitments and other operational necessities. We can rely on our capacity for rapid deployment to send troops and assets to all regions when needed.

Our amendment would call for rotational forces to be deployed in Europe so they can fulfill our NATO obligations. There's cheaper and less controversial ways of proving to our allies the strength of our commitment to defense than permanently stationing and maintaining over 80,000 troops in their countries.

Donald Rumsfeld even thinks it's time for a change to our policy. In his recent book he wrote:

> Of the quarter-million troops deployed abroad in 2001, more than 100,000 were in Europe, the vast majority stationed in Germany to fend off an invasion by a Soviet Union that no longer exists.

The Acting CHAIR. The time of the gentleman has expired.

Mr. COFFMAN of Colorado. Mr. Chairman, I yield an additional 15 seconds to the gentleman.

Mr. POLIS. I thank the gentleman from Colorado for his leadership.

At a time when we must seriously consider cuts to our budget and balancing our budget, we should not continue to subsidize the defense of wealthy European nations against a Soviet threat that ceased to exist two decades ago.

I urge my colleagues to support my amendment.

Mr. COFFMAN of Colorado. Mr. Chairman, I yield myself such time as I may consume.

The Pentagon has proposed removing two brigade combat teams already from permanent bases in Europe. The U.S. Army would still have about 37,000 soldiers in Europe even after it withdraws two of its four combat brigades, which is about 7,000 soldiers. The United States has about 80,000 military personnel still in Europe. There are 28 U.S. military bases—16 Army, eight Air Force, and four Navy.

The Coffman-Polis amendment would authorize the removal of all four brigade combat teams. The only permanent forces stationed in Europe would be those that are required to maintain our expeditionary capabilities and conduct engagement with the leadership of our NATO allies. We will continue to meet our security commitment to our NATO allies by utilizing rotational forces. This could be accomplished by expanding existing programs like the National Guard State Partnership Program.

Since 2008, the Defense Department, among European NATO countries, fell 12 percent, from $314 billion to $275 billion. Only four out of our 28 NATO allies are spending even 2 percent on their GDP on defense. The United States spends 4.7 percent on defense.

Our European allies are facing a fiscal crisis of their own; however, instead of being forced to find the same balance that the United States is trying to achieve, they are able to drastically reduce their national defense spending because they can take for granted that the United States will continue to be the guarantor of their security. This is an unfair burden to U.S. taxpayers.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. I yield such time as he may consume to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Chairman, I rise in opposition to this amendment. And, Mr. Chairman, I would say that I have enormous respect for the gentlemen from Colorado. I have enormous respect for the gentleman from Colorado's service in the military. But I also have enormous respect for the United States Army and for the leadership of the United States Army.

□ 0030

The only reason that we would do this move is—there are two reasons. One would be because it makes strategic sense to do so, and the United States Army says it does not make strategic sense to do so. The second one is because of cost. And the United States Army would point out that the cost savings we have would be minimal because the rotational units are very expensive and much less effective than forward-base forces.

Mr. Chairman, it's been said here that we don't want to be defending our allies, and indeed we don't, not necessarily. But what we're doing with this is not just defending our allies but joining with our allies to make sure we're defending the United States and U.S. interests.

Mr. Chairman, I would say that the Army has moved already very strongly by removing two of these combat brigades from Europe. They've reduced by 50 percent the number of personnel we have in Europe since 2003. I think we should listen to the Army and make

sure that we're allowing them to do what they think at this particular point in time is strategically and from a cost-effective basis in the best interest of the United States.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER).

I'm anxious to hear about the secret deal to remove troops from Europe.

Mr. TURNER of Ohio. Well, I must say that we certainly have to be concerned about troop reductions in light of the possible secret deal between the Russians and the President.

I stand in opposition to this amendment because, first off, here you have Congress looking to withdraw troops that of course strategically our Department of Defense says that we need, and that intuitively we understand why they are there. We don't have troops there standing guard and defending Europe. We have troops there that are part of the alliance that are working in concert for the defense of the United States and our allies in issues of the war on terror, issues of training, issues of jointness, issues of logistics. I mean, Europe is not just a place where our troops are standing to oppose invasions of Europe; they're not there for that anymore. They're there for logistics of things such as the pirates that we have off of Africa, that people are abusing our resources to try to make certain that commerce can continue; the issues in Afghanistan, to make certain that we have the logistics for our troops and what they need; ensuring that our allies have jointness in training, working together and being present so that we can ensure that NATO works together in concert.

This provision would also lead to an incredibly negative perception among our NATO allies and partners that the U.S. is not committed to its NATO Article V responsibilities. You will recall, the NATO Article V, the only time it's been invoked was in favor of the United States after we were attacked and went into Afghanistan after 9/11.

These troops are present as part of the overall security of the United States. They're not there as a stake in the ground to protect Europe. To not look to our military for their strategy, for their determination as to where we need troops, for their use of deployment is for us to say that this Congress constitutes itself as the experts in military deployment, and we're not. This is not where the debate should occur.

We should oppose this amendment.

Mr. COFFMAN of Colorado. Mr. Chairman, unlike my two colleagues, and God bless them for their experience, but they've not served in our military, and they've not served in the United States Army in Europe as I have. So I can challenge the assumptions of the United States Army here.

The Cold War has been over with since 1989. We're spending 4.7 percent of our GDP on defense and our European allies, most of them, are spending less than 2 percent. There's an overreliance on the United States, and that's different from being allies. These are not expeditionary forces. These are really, truly relics of the Cold War with no border to defend. So it is time that we take them back.

Where is the savings? Well, the savings is in part because there is already an agreement that we are going to draw down the end-strength of our active duty forces. So that certainly fits within that criteria that's already been agreed to.

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

Mr. SMITH of Washington. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. COFFMAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. COFFMAN of Colorado. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT NO. 49 OFFERED BY MS. LEE OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 49 printed in House Report 112–485.

Ms. LEE of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the appropriate place in title XII of division A of the bill, add the following:

Subtitle—PREVENT IRAN FROM ACQUIRING NUCLEAR WEAPONS AND STOP WAR THROUGH DIPLOMACY ACT

SEC. __1. SHORT TITLE.

This subtitle may be cited as the ''Prevent Iran from Acquiring Nuclear Weapons and Stop War Through Diplomacy Act''.

SEC. __2. FINDINGS.

Congress finds the following:

(1) In his Nobel Peace Prize acceptance speech on December 10, 2009, President Obama said, ''I know that engagement with repressive regimes lacks the satisfying purity of indignation. But I also know that sanctions without outreach—and condemnation without discussion—can carry forward a crippling status quo. No repressive regime can move down a new path unless it has the choice of an open door.''

(2) In his address to the American Israel Public Affairs Committee on March 4, 2012, President Obama said, ''I have said that when it comes to preventing Iran from obtaining a nuclear weapon, I will take no options off the table, and I mean what I say. That includes all elements of American power. A political effort aimed at isolating Iran; a diplomatic effort to sustain our coalition and ensure that the Iranian program is monitored; an economic effort to impose crippling sanctions; and, yes, a military effort to be prepared for any contingency.''

(3) While the Obama Administration has rejected failed policies of the past by engaging in negotiations with Iran without preconditions, only four of such meetings have occurred.

(4) Official representatives of the United States and official representatives of Iran have held only two direct, bilateral meetings in over 30 years, both of which occurred in October 2009, one on the sidelines of the United Nations Security Council negotiations in Geneva, and one on the sidelines of negotiations brokered by the United Nations International Atomic Energy Agency (referred to in this Act as the ''IAEA'') in Vienna.

(5) All of the outstanding issues between the United States and Iran cannot be resolved instantaneously. Resolving such issues will require a robust, sustained effort.

(6) Under the Department of State's current ''no contact'' policy, officers and employees of the Department of State are not permitted to make any direct contact with official representatives of the Government of Iran without express prior authorization from the Secretary of State.

(7) On September 20, 2011, then-Chairman of the Joint Chiefs of Staff Admiral Mike Mullen, called for establishing direct communications with Iran, stating, ''I'm talking about any channel that's open. We've not had a direct link of communication with Iran since 1979. And I think that has planted many seeds for miscalculation. When you miscalculate, you can escalate and misunderstand.''

(8) On November 8, 2011, the IAEA issued a report about Iran's nuclear program and expressed concerns about Iran's past and ongoing nuclear activities.

(9) On December 2, 2011, Secretary of Defense Leon Panetta warned that an attack on Iran would result in ''an escalation that would take place that would not only involve many lives, but I think it could consume the Middle East in a confrontation and a conflict that we would regret.''

SEC. __3. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to prevent Iran from pursuing or acquiring a nuclear weapon and to resolve the concerns of the United States and of the international community about Iran's nuclear program and Iran's human rights obligations under international and Iranian law;

(2) to ensure inspection of cargo to or from Iran, as well as the seizure and disposal of prohibited items, as authorized by United Nations Security Council Resolution 1929 (June 9, 2010);

(3) to pursue sustained, direct, bilateral negotiations with the Government of Iran without preconditions in order to reduce tensions, prevent war, prevent nuclear proliferation, support human rights, and seek resolutions to issues that concern the United States and the international community;

(4) to utilize all diplomatic tools, including direct talks, targeted sanctions, Track II diplomacy, creating a special envoy described in section 4, and enlisting the support of all interested parties, for the purpose of establishing an agreement with Iran to put in place a program that includes international safeguards, guarantees, and robust transparency measures that provide for full IAEA oversight of Iran's nuclear program, including rigorous, ongoing inspections, in order to verify that Iran's nuclear program is exclusively for peaceful purposes and that Iran is not engaged in nuclear weapons work;

(5) to pursue opportunities to build mutual trust and to foster sustained negotiations in good faith with Iran, including pursuing a fuel swap deal to remove quantities of low enriched uranium from Iran and to refuel the Tehran Research Reactor, similar to the structure of the deal that the IAEA, the United States, China, Russia, France, the United Kingdom, and Germany first proposed in October 2009;

(6) to explore areas of mutual benefit to both Iran and the United States, such as regional security, the long-term stabilization of Iraq and Afghanistan, the establishment of a framework for peaceful nuclear energy production, other peaceful energy modernization programs, and counter-narcotics efforts; and

(7) that no funds appropriated or otherwise made available to any executive agency of the Government of the United States may be used to carry out any military operation or activity against Iran unless the President determines that a military operation or activity is warranted and seeks express prior authorization by Congress, as required under article I, section 8, clause 2 of the United States Constitution, which grants Congress the sole authority to declare war, except that this requirement shall not apply to a military operation or activity—

(A) to directly repel an offensive military action launched from within the territory of Iran against the United States or any ally with whom the United States has a mutual defense assistance agreement;

(B) in hot pursuit of forces that engage in an offensive military action outside the territory of Iran against United States forces or an ally with whom the United States has a mutual defense assistance agreement and then enter into the territory of Iran; or

(C) to directly thwart an imminent offensive military action to be launched from within the territory of Iran against United States forces or an ally with whom the United States has a mutual defense assistance agreement.

SEC. __4. APPOINTMENT OF HIGH-LEVEL U.S. REPRESENTATIVE OR SPECIAL ENVOY.

(a) APPOINTMENT.—At the earliest possible date, the President, in consultation with the Secretary of State, shall appoint a high-level United States representative or special envoy for Iran.

(b) CRITERIA FOR APPOINTMENT.—The President shall appoint an individual under subsection (a) on the basis of the individual's knowledge and understanding of the issues regarding Iran's nuclear program, experience in conducting international negotiations, and ability to conduct negotiations under subsection (c) with the respect and trust of the parties involved in the negotiations.

(c) DUTIES.—The high-level United States representative or special envoy for Iran shall—

(1) seek to facilitate direct, unconditional, bilateral negotiations with Iran for the purpose of easing tensions and normalizing relations between the United States and Iran;

(2) lead the diplomatic efforts of the Government of the United States with regard to Iran;

(3) consult with other countries and international organizations, including countries in the region, where appropriate and when necessary to achieve the purpose set forth in paragraph (1);

(4) act as liaison with United States and international intelligence agencies where appropriate and when necessary to achieve the purpose set for in paragraph (1); and

(5) ensure that the bilateral negotiations under paragraph (1) complement the ongoing international negotiations with Iran.

SEC. __5. DUTIES OF THE SECRETARY OF STATE.

(a) ELIMINATION OF ''NO CONTACT'' POLICY.—Not later than 30 days after the date of enactment of this Act, the Secretary of State shall rescind the ''no contact'' policy that prevents officers and employees of the Department of State from making any direct contact with official representatives of the Government of Iran without express prior authorization from the Secretary of State.

(b) OFFICE OF HIGH-LEVEL U.S. REPRESENTATIVE OR SPECIAL ENVOY.—Not later than 30 days after the appointment of a high-level United States representative or special envoy under section __4(a), the Secretary of State shall establish an office in the Department of State for the purpose of supporting the work of the representative or special envoy.

SEC. __6. REPORTING TO CONGRESS.

(a) REPORTS.—Not later than 60 days after the high-level United States representative or special envoy for Iran is appointed under section __4, and every 180 days thereafter, the United States representative or special envoy shall report to the committees set forth in subsection (b) on the steps that have been taken to facilitate direct, bilateral diplomacy with the government of Iran under section __4(c). Each such report may, when necessary or appropriate, be submitted in classified and unclassified form.

(b) COMMITTEES.—The committees referred to in subsection (a) are—

(1) the Committee on Appropriations, the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

SEC. __7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle such sums as may be necessary for fiscal year 2013.

The Acting CHAIR. Pursuant to House Resolution 661, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE of California. Mr. Chairman, my amendment is straightforward. It would appoint a Special Envoy for Iran to ensure that all diplomatic avenues are pursued to avoid a war with Iran and to prevent Iran from acquiring a nuclear weapon. It is cosponsored by my colleagues, Congresswoman WOOLSEY and Congressman CONYERS.

I must say that all of the cosponsors of this resolution agree that we must prevent an Iran armed with nuclear weapons, which would be totally unacceptable. As President Obama said, all options, including diplomatic options, need to be on the table with Iran.

We all recognize that the military option has been and will continue to be on the table, but we must not let the military option override any diplomatic initiative which would keep Iran from acquiring a nuclear weapon.

Let me just say and cite section 1221 of the bill in its Declaration of Policy on Iran. This is in the bill as it is currently written:

It is the policy of the United States to take all necessary measures, including military action, if required, to prevent Iran from threatening the United States, its allies, or Iran's neighbors with a nuclear weapon.

The bill also sets forth what it takes to require the military to prepare for war. So we all recognize that the military option in this bill is on the table. It's stated very clearly.

My amendment would just take two simple steps to support the diplomatic option. First, it would require President Obama to appoint a high-level Special Envoy to Iran to engage in sustained bilateral—that's country to country—comprehensive negotiations with the aim of ensuring Iran gives up any efforts to acquire nuclear weapons.

Secondly, my amendment would lift the ''no contact policy'' that prohibits high-level American diplomats from communicating directly with their Iranian counterparts.

In addition, it's just common sense that in order for the current multilateral negotiations to be effective, we need to get rid of this current policy that treats diplomatic talks as a prize rather than a tool for statecraft. My amendment in no way undermines current multilateral negotiations. In fact, we need both; we need bilateral and multilateral negotiations if in fact we're going to prevent Iran from acquiring a nuclear weapon.

We can all agree that an Iran armed with nuclear weapons really is unacceptable. Experts agree that at best an armed strike against Iran would set its nuclear program back 3 years while locking in Iran's determination to obtain nuclear weapons. So we're trying to do everything we can do. As one who has always supported nonproliferation, I understand what is taking place as it relates to the multilateral negotiations, but I think it is very important that we strengthen those with bilateral negotiations.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. I yield 2 minutes to my friend and colleague, the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, this amendment basically appoints a Special Envoy to Iran to try and talk the Islamic leaders out of nuclear weapons and out of their nuclear weapons program.

□ 0040

If talk and negotiations could denuclearize Iran, we wouldn't have to worry about them anymore. But the reality is you can't take the crazy out of radical Islamic fundamentalists, which are the people that run Iran.

And this amendment does, contrary to what the gentlelady from California says, this amendment does, in fact, take the military option off the table because it would prevent the President from taking action, even if the U.S. were directly threatened and immediately threatened unless Congress authorized it first. The President would have to call this body back into session, from wherever we were at, and then ask us for permission, on C–SPAN, to go ahead and act against an immediate Iranian threat.

This amendment does not acknowledge the six U.N. Security Council resolutions to address Iran's nuclear program. It does not acknowledge that France, Germany, and the U.K. offered Iran several proposals to resolve nuclear issues during negotiations in 2004 and 2005. It does not acknowledge that the diplomatic initiatives to resolve the Iranian nuclear issue have produced absolutely nothing. Absolutely nothing.

What this amendment does is appease and appease and appease and stall and while we talk, while we stand here in this body, right now, discussing this, Iran's getting closer and closer to a nuclear weapon. And Iran's not North Korea. North Korea is sane compared to Iran. As soon as they get enriched uranium that can be used as a weapon, it will end up on our shores. And it probably won't be by the Iranians. It probably won't be launched from Iran. It'll cross our border or come into an American port, and it will kill Americans.

So, Mr. Chairman, I oppose this amendment, and I would urge my colleagues to do the same.

Ms. LEE of California. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman has 2 minutes.

Ms. LEE of California. I'd like to yield now 1½ minutes to the gentlewoman from California, Congresswoman WOOLSEY.

Ms. WOOLSEY. Mr. Chairman, after 8 long and deadly years, we finally ended the war in Iraq. Hopefully, the war in Afghanistan is drawing to a close, but not nearly as quickly as I'd like.

The last thing we can afford is to enter another military conflict that kills Americans, drains our Treasury, and undermines our national reputation and our national security. That's why I support this amendment.

By sending a special envoy to Iran, we can take definitive steps to avoid war, giving diplomacy the best chance to succeed, and giving ourselves the best chance to keep Iran from developing a nuclear weapon.

This is consistent with my SMART Security Platform, which demands that we explore every possible alternative to war, that we use peaceful conflict resolution whenever and wherever possible, that we make a renewed commitment to nuclear nonproliferation.

So let's do the smart thing. Vote ''yes'' on this amendment. Prevent war.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. SMITH), the ranking member of the committee.

Mr. SMITH of Washington. Mr. Chair, I actually oppose this amendment for reasons completely opposite of what the previous opposition speaker opposed them for. I believe that part of the solution to stopping Iran from developing a nuclear weapon is to negotiate with them. The President is currently doing that as part of the Six Party Talks.

Now, none of that's going to work without very, very aggressive economic sanctions. I'm very pleased in last year's bill we were able to put in aggressive economic sanctions on the Central Bank of Iran. We need those sanctions. Those sanctions are what has driven these talks.

Unfortunately, I support just about everything in this amendment except for the part that requires bilateral negotiations. It would basically require us at this point to set up a separate set of negotiations apart from the Six Party Talks and would actually undermine the very negotiations that are going on right now.

I think it's very well intentioned. I agree that negotiations have to be part of that. It's just, given the negotiations that are going on, requiring bilateral negotiations at this point would undermine that very effort. And, therefore, for very different reasons I oppose the amendment.

Ms. LEE of California. Let me just say I respectfully disagree that this would undermine the current Six Party Talks. I think it would strengthen the Six Party Talks. We need bilateral and multilateral negotiations if we're going to prevent Iran from acquiring a nuclear weapon.

This bill is very clear in terms of the military option, in response to my colleague on the other side. The underlying bill says it shall be the policy of the United States to take all necessary measures, including military action, if required, to prevent Iran from threatening the United States, its allies, or Iran's neighbors with a nuclear weapon.

In no way does this amendment appease the Iranians. What it does is bring some semblance of balance and another strategy, another layer to strengthen the negotiations that are currently taking place so that we can keep Iran from acquiring a nuclear weapon and prevent an all-out war.

I yield back the balance of my time.

Mr. MCKEON. Hearing the word ''undermined'' brings to mind the fact that they are way underground building this nuclear facility. It kind of stretches the credibility thinking that they're doing that just to build a power plant.

Mr. Chairman, I yield the balance of our time to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Chairman, we've debated some important issues here tonight. Some of them we've had some fun with. Some of them we have debated very, very strenuously.

But make no mistake about it, the greatest threat to world peace today is Iran and the possibility that Iran will get a nuclear weapon. There is no other country in the world that has specifically stated its purpose to use that weapon will be to destroy one of our allies, which would be Israel.

And one of the most important things we can have is to make sure that we have no lack of clarity when we come to dealing with Iran.

Our good friend, Ike Skelton, used to always admonish us, read the bill. In this bill we are looking to take power away from the Secretary of State. We say we want to have diplomacy, and yet we are pulling away the Secretary of State's options to do that.

We're looking at taking away powers of the President, because, if nothing else, we're mucking up the War Powers Act and making it unclear what the President can do and what he can't do. And when it comes to Iran, that's the least important thing we can do.

The most important thing we can do is to make sure that we continue to give the President the options that he needs to keep everything on the table in dealing with Iran. And when we tell him he can't use military force until he's done all diplomatic avenues, nobody in here understands what that means exactly.

So, Mr. Chairman, I hope that we will not go down this path, because I can assure you the destination may be one that we wish we had never arrived at. And I hope we'll defeat this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. LEE of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 50 OFFERED BY MR. LAMBORN

The Acting CHAIR. It is now in order to consider amendment No. 50 printed in House Report 112–485.

Mr. LAMBORN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title XIII, add the following new section:

SEC. 1303. LIMITATION ON AVAILABILITY OF FUNDS FOR COOPERATIVE THREAT REDUCTION ACTIVITIES WITH RUSSIAN FEDERATION.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for Cooperative Threat Reduction may be obligated or expended for cooperative threat reduction activities with the Russian Federation until the date that is 30 days after the date on which the Secretary of Defense certifies, in coordination with the Secretary of State, to the appropriate congressional committees that—

(1) Russia is no longer—

(A) providing direct or indirect support to the government of Syria's suppression of the Syrian people; and

(B) transferring to Iran, North Korea, or Syria equipment and technology that have the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems controlled under multilateral control lists; or

(2) funds planned to be obligated or expended for cooperative threat reduction activities with the Russian Federation are strictly for project closeout activities and will not be used for new activities or activities that will extend beyond fiscal year 2013.

(b) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if—

(1) the Secretary determines that such waiver is in the national security interests of the United States;

(2) the Secretary briefs, in an unclassified form, the appropriate congressional committees on the justifications of such waiver; and

(3) a period of 90 days has elapsed following the date on which such briefing is held.

(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.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Colorado (Mr. LAMBORN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. LAMBORN. Mr. Chairman, I yield myself such time as I may consume.

My amendment bans cooperative threat reduction funds going to Russia unless the Secretary of Defense, with the Secretary of State, first, can certify that the Russians are no longer supporting the Syrian regime, and, secondly, are not providing Syria, North Korea, or Iran equipment or technology to develop weapons of mass destruction.

This amendment sends a clear message condemning Russian support to Syria and the Assad regime. Since the anti-regime protests in Syria began in March of last year, Syrian security forces have killed well over 10,000 people. Some people say 12,000 people. They have wrongfully imprisoned tens of thousands more.

Russia, unfortunately, has proven repeatedly that they are willing to send technology and weapons to all buyers, including to regimes like Syria that are brutalizing their citizens.

□ 0050

We need to send a clear and consistent message to the Russians and to the rest of the world that the United States will not tolerate or support the oppression that the Syrian Government is inflicting on its people.

How can we continue to send military aid to Russia while they knowingly and deliberately turn around and support the brutal and corrupt Syrian regime?

The U.S. will not tolerate either direct or indirect military assistance to the Assad regime in Syria. We will not support the Russian transfer of weapons of mass destruction or ballistic missile equipment and technology to countries like Syria, Iran, or North Korea.

This amendment begins to put some teeth behind the words of the President and others in Congress on both sides of the aisle who have called for action. This amendment begins to support the seriousness behind our words. We must do everything we can to end the Assad regime's escalating use of indiscriminate violence against its people. Join me in supporting this important amendment.

I reserve the balance of my time.

Mr. SMITH of Washington. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. This is a classic ''cutting off your nose to spite your face'' amendment.

We are all very upset by the fact that Russia continues to be supportive of the Assad regime, but cutting off funds from the Defense Threat Reduction Program is not going to hurt Russia; it's going to hurt us.

The purpose of the Defense Threat Reduction Program, as the name would imply, is to reduce the threat. This was part of the broad nonproliferation effort, after the collapse of the Soviet Union, to set up a cooperative working agreement to try to control the weapons of mass destruction—nuclear, biological, chemical—that Russia has. This is a critically important program to stop proliferation and to make sure that these weapons of mass destruction don't wind up in the hands of terrorists and that they are actually controlled.

So, as much as I want to see Russia change its policy towards Syria, cutting off this program to try to force it is not a good idea, and I urge opposition to the amendment.

I reserve the balance of my time.

Mr. LAMBORN. The term that's used for this program is the Cooperative Threat Reduction Program. Russia has to cooperate. When they're turning around and supporting regimes like Syria with, we think, $1 billion worth of weapons transfers last year alone, what kind of cooperation is that?

Yes. Originally, 20 years ago, this program had a laudable purpose, but now Russia is doing something that is a bigger threat to our security, I believe. We have to find some way of sending a message to a country that is supporting these brutal regimes. I believe that this is the best way to do it, and I would urge the support of this amendment.

I reserve the balance of my time.

Mr. SMITH of Washington. I yield myself such time as I may consume.

This is precisely the wrong place to do it. It really isn't, again, punishing Russia. We are the ones who are most concerned about these weapons getting out and getting into the wrong hands. Yes, it requires Russia's cooperation. It is cooperation that we strived hard to get, so to cut it off at this point—to lose that cooperation—places us in greater jeopardy by making weapons of mass destruction more difficult to control. So, again, I would urge opposition.

I yield back the balance of my time.

Mr. LAMBORN. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. LAMBORN).

The amendment was agreed to.

AMENDMENT NO. 51 OFFERED BY MR. CARNAHAN

The Acting CHAIR. It is now in order to consider amendment No. 51 printed in House Report 112–485.

Mr. CARNAHAN. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of division A of the bill, add the following:

TITLE XVII—CONTINGENCY OPERATIONS OVERSIGHT AND INTERAGENCY ENHANCEMENT ACT OF 2012

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Contingency Operations Oversight and Interagency Enhancement Act of 2012''.

SEC. 1702. DEFINITIONS.

In this title, the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committees on Appropriations, Armed Services, Foreign Affairs, and Oversight and Government Reform of the House of Representatives; and

(B) the Committees on Appropriations, Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs of the Senate.

(2) DIRECTOR.—The term ''Director'' means the Director of the United States Office for Contingency Operations.

(3) FUNCTIONS.—The term ''functions'' includes authorities, powers, rights, privileges, immunities, programs, projects, activities, duties, and responsibilities.

(4) IMMINENT STABILIZATION AND RECONSTRUCTION OPERATION.—The term ''imminent stabilization and reconstruction operation'' is a condition in a foreign country which the Director believes may require in the immediate future a response from the United States and with respect to which preparation for a stabilization and reconstruction operation is necessary.

(5) 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)).

(6) OFFICE.—The term ''Office'' means the United States Office for Contingency Operations.

(7) PERSONNEL.—The term ''personnel'' means officers and employees of an Executive agency, except that the term does not include members of the Armed Forces.

(8) POTENTIAL STABILIZATION AND RECONSTRUCTION OPERATION.—The term ''potential stabilization and reconstruction operation'' is a possible condition in a foreign country which in the determination of the Director may require in the immediate future a response from the United States and with respect to which preparation for a stabilization and reconstruction operation is advisable.

(9) STABILIZATION AND RECONSTRUCTION EMERGENCY.—The term ''stabilization and reconstruction emergency'' is a stabilization and reconstruction operation which is the subject of a Presidential declaration pursuant to section 1713.

(10) STABILIZATION AND RECONSTRUCTION OPERATION.—The term ''stabilization and reconstruction operation''—

(A) means a circumstance in which a combination of security, reconstruction, relief, and development services, including assistance for the development of military and security forces and the provision of infrastructure and essential services (including services that might be provided under the authority of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the Economic Support Fund)), should, in the national interest of the United States, be provided on the territory of an unstable foreign country;

(B) does not include a circumstance in which such services should be provided primarily due to a natural disaster (other than a natural disaster of cataclysmic proportions); and

(C) does not include intelligence activities.

(11) UNITED STATES.—The term ''United States'', when used in a geographic sense, means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any possession of the United States, and any waters within the jurisdiction of the United States.

SEC. 1703. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Responsibilities for overseas stability and reconstruction operations are divided among several agencies. As a result, lines of responsibility and accountability are not well-defined.

(2) Despite the establishment of the Office of the Coordinator for Reconstruction and Stabilization within the Department of State, the reaffirmation of the Coordinator's mandate by the National Security Presidential Directive 44, its codification with title XVI of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, and the issuance of the Department of Defense Directive 3000.05, serious imbalances and insufficient interagency coordination remain.

(3) The United States Government has not effectively or efficiently managed stabilization and reconstruction operations during recent decades.

(4) Based on trends, the United States will likely continue to find its involvement necessary in stabilization and reconstruction operations in foreign countries in the wake of violence or cataclysmic disaster.

(5) The United States has not adequately learned the lessons of its recent experiences in stabilization and reconstruction operations, and despite efforts to improve its performance is not yet organized institutionally to respond appropriately to the need to perform stabilization and reconstruction operations in foreign countries.

(6) The failure to learn the lessons of past stabilization and reconstruction operations will lead to further inefficiencies, resulting in greater human and financial costs.

(b) PURPOSES.—The purposes of this title are to—

(1) advance the national interest of the United States by providing an effective means to plan for and execute stabilization and reconstruction operations in foreign countries;

(2) provide for unity of command, and thus achieve unity of effort, in the planning and execution of stabilization and reconstruction operations;

(3) provide accountability for resources dedicated to stabilization and reconstruction operations;

(4) maximize the efficient use of resources, which may lead to budget savings, eliminated redundancy in functions, and improvement in the management of stabilization and reconstruction operations; and

(5) establish an entity to plan for stabilization and reconstruction operations and, when directed by the President, coordinate and execute such operations, eventually returning responsibility for such operations to other agencies of the United States Government as the situation becomes normalized.

SEC. 1704. CONSTRUCTION; SEVERABILITY.

Any provision of this title held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this title and shall not affect the remainder thereof, or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

SEC. 1705. EFFECTIVE DATE.

This Act shall take effect on the date that is 60 days after the date of the enactment of this Act.

Subtitle A—United States Office for Contingency Operations: Establishment, Functions, and Personnel

SEC. 1711. ESTABLISHMENT OF THE UNITED STATES OFFICE FOR CONTINGENCY OPERATIONS.

There is established as an independent entity the United States Office for Contingency Operations, which shall report to the Department of State and the Department of Defense.

SEC. 1712. TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE OFFICE.

(a) FUNCTIONS TRANSFERRED.—Not later than 90 days after the date of the enactment of this Act, there shall be transferred to the Office the functions, personnel, assets, and liabilities of the Bureau of Conflict and Stabilization Operations, including the Office of the Coordinator for Reconstruction and Stabilization of the Department of State.

(b) FUNCTIONS TRANSFERRED, IN WHOLE OR IN PART.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, in addition to the functions, personnel, assets, and liabilities transferred under subsection (a), there shall be transferred, in whole or in part, to the Office, under such conditions as the Director, the Director of the Office of Management and Budget, and the Director of the Office of Personnel Management jointly prescribe, the functions, personnel, assets, and liabilities of the following:

(A) Civilian organizational entities within the Department of Defense identified by the Secretary of Defense as—

(i) established to implement Department of Defense Instruction 3000.05, relating to stability operations; and

(ii) not essential for combat operations.

(B) The Bureau of International Narcotics and Law Enforcement Affairs of the Department of State.

(C) The Office of Transition Initiatives of the United States Agency for International Development.

(D) The Office of Foreign Disaster Assistance of the United States Agency for International Development.

(E) The Office of Conflict Mitigation and Management of the United States Agency for International Development.

(F) The International Criminal Investigative Training Assistance Program of the Department of Justice.

(G) The Department of the Treasury's program to provide technical assistance to foreign governments and foreign central banks of developing or transitional countries authorized under section 129 of the Foreign Assistance Act of 1961 and the Office of Technical Assistance of the Department of the Treasury that manages such program.

(H) The Contingency Acquisition Corps of the General Services Administration established pursuant to section 2312 of title 41, United States Code.

(2) REPORTS.—

(A) BEFORE THE TRANSFER.—The Director, the Director of the Office of Management and Budget, or the Director of the Office of Personnel Management, as appropriate, shall, not later than 60 days before carrying out a transfer in accordance with paragraph (1), submit to the appropriate congressional committees a report on the transfer.

(B) AFTER THE TRANSFER.—The Director shall submit to the appropriate congressional committees a report on the military and non-military resources, capabilities, and functions related to contingency operations of the entities and agencies transferred pursuant to paragraph (1). If any capabilities or functions of such entities and agencies were not so transferred, the Director shall include in such report an explanation relating to such non-transfer.

(c) FUTURE TRANSFERS AND RESTRUCTURING.—

(1) IN GENERAL.—In addition to the functions, personnel, assets, and liabilities transferred to the Office under subsections (a) and (b), the Director, the Director of the Office of Management and Budget, and the Director of the Office of Personnel Management may—

(A) transfer to the Office the functions, personnel, assets, or liabilities, in whole or in part, of any office, agency, bureau, program, or other entity that such Directors determine appropriate;

(B) transfer to the Office up to 150 skilled Federal personnel with expertise in contingency operations; and

(C) restructure the Office as such Directors determine appropriate to better carry out its functions and responsibilities.

(2) REPORTS.—If the Director, the Director of the Office of Management and Budget, and the Director of the Office of Personnel Management undertake a transfer or a restructuring in accordance with subparagraphs (A) and (B), respectively, of paragraph (1), the Director, the Director of the Office of Management and Budget, or the Director of the Office of Personnel Management, as appropriate, shall, not later than 60 days before carrying out any such transfer or restructuring, submit to the appropriate congressional committees a report on such transfer or restructuring.

SEC. 1713. RESPONSIBILITIES OF THE DIRECTOR, DEPUTY DIRECTOR, INSPECTOR GENERAL, AND OTHER OFFICES.

(a) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director, who shall be—

(A) appointed by the President, by and with the advice and consent of the Senate; and

(B) compensated at the rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(2) SUPERVISION.—

(A) IN GENERAL.—The Director shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense. Such supervision may not be delegated.

(B) INFORMATION SHARING.—The Director shall keep the National Security Advisor fully and continually informed of the activities of the Office.

(3) FUNCTIONS.—The functions of the Director shall include the following:

(A) Monitoring, in coordination with relevant offices and bureaus of the Department of Defense, the Department of State, and the

United States Agency for International Development, political and economic instability worldwide in order to anticipate the need for mobilizing United States and international assistance for the stabilization and reconstruction of a country or region that is at risk of, in, or in transition from, conflict or civil strife.

(B) Assessing the various types of stabilization and reconstruction crises that could occur and cataloging and monitoring the military and non-military resources, capabilities, and functions of agencies that are available to address such crises.

(C) Planning to address requirements, such as demobilization, disarmament, capacity building, rebuilding of civil society, policing and security sector reform, and monitoring and strengthening respect for human rights that commonly arise in stabilization and reconstruction crises.

(D) Developing, in coordination with all relevant agencies, contingency plans and procedures to mobilize and deploy civilian and military personnel to conduct stabilization and reconstruction operations.

(E) Coordinating with counterparts in foreign governments and international and nongovernmental organizations on stabilization and reconstruction operations to improve effectiveness and avoid duplication.

(F) Building the operational readiness of the Civilian Response Corps and strengthening personnel requirements to enhance its essential interagency quality.

(G) Aiding the President, as the President may request, in preparing such rules and regulations as the President prescribes, for the planning, coordination, and execution of stabilization and reconstruction operations.

(H) Advising the Secretary of State and the Secretary of Defense, as the Secretary of State or the Secretary of Defense may request, on any matters pertaining to the planning, coordination, and execution of stabilization and reconstruction operations.

(I) Planning and conducting, in cooperation with the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Defense, and commanders of unified combatant commands or specified combatant commands, a series of exercises to test and evaluate doctrine relating to stabilization and reconstruction operations and procedures to be used in such operations.

(J) Executing, administering, and enforcing laws, rules, and regulations relating to the preparation, coordination, and execution of stabilization and reconstruction operations.

(K) Administering such funds as may be appropriated or otherwise made available for the preparation, coordination and execution of stabilization and reconstruction operations.

(L) Planning for the use of contractors who will be involved in stabilization and reconstruction operations, including coordinating with the Secretary of State and the Secretary of Defense to ensure coordination of the work of such contractors with the work of contractors supporting—

(i) the Secretary of State; and

(ii) military operations and members of the Armed Forces.

(M) Prescribing standards and policies for project and financial reporting for all agencies involved in stabilization and reconstruction operations under the direction of the Office to ensure that all activities undertaken by such agencies are appropriately tracked and accounted for.

(N) Establishing an interagency training, preparation, and evaluation framework for all personnel deployed, or who may be deployed, in support of stabilization and reconstruction operations. Such training and preparation shall be developed and administered in partnership with such universities, colleges, or other institutions (whether public, private, or governmental) as the Director may determine and which agree to participate.

(4) RESPONSIBILITIES OF DIRECTOR FOR MONITORING AND EVALUATION REQUIREMENTS.—

(A) EVALUATIONS.—The Director shall plan and conduct evaluations of the impact of stabilization and reconstruction operations carried out by the Office.

(B) REPORTS.—

(i) IN GENERAL.—Not later than 30 days after the end of each fiscal-year quarter, the Director shall submit to the appropriate congressional committees a report summarizing all stabilization and reconstruction operations that are taking place under the supervision of the Director during the period of each such quarter and, to the extent possible, the period from the end of each such quarter to the time of the submission of each such report. Each such report shall include, for the period covered by each such report, a detailed statement of all obligations, expenditures, and revenues associated with such stabilization and reconstruction operations, including the following:

(I) Obligations and expenditures of appropriated funds.

(II) A project-by-project and program-by-program accounting of the costs incurred to date for the stabilization and reconstruction operation that are taking place, together with the estimate of any department or agency that is undertaking a project in or for the stabilization and reconstruction of such country, as applicable, of the costs to complete each project and each program.

(III) Revenues attributable to or consisting of funds provided by foreign countries or international organizations, and any obligations or expenditures of such revenues.

(IV) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

(V) An analysis on the impact of stabilization and reconstruction operations overseen by the Office, including an analysis of civil-military coordination with respect to the Office.

(ii) FORM.—Each report under this subsection may include a classified annex if the Director determines such is appropriate.

(iii) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to authorize the public disclosure of information that is specifically prohibited from disclosure by any other provision of law, specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs, or a part of an ongoing criminal investigation.

(b) DEPUTY DIRECTOR.—

(1) IN GENERAL.—There shall be within the Office a Deputy Director, who shall be—

(A) appointed by the President, by and with the advice and consent of the Senate; and

(B) compensated at the rate of basic pay for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(2) FUNCTIONS.— The Deputy Director shall perform such functions as the Director may from time to time prescribe, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the Office of the Director.

(c) ASSOCIATE DIRECTORS.—

(1) IN GENERAL.—There shall be within the Office not more than two Associate Directors, who shall be—

(A) appointed by the President, by and with the advice and consent of the Senate; and

(B) compensated at the rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) FUNCTIONS.—The Associate Directors shall perform such functions as the Director may from time to time prescribe.

(3) SENSE OF CONGRESS.—It is the sense of Congress that of the two Associate Directors referred to in this subsection—

(A) one should be highly experienced in defense matters; and

(B) one should be highly experienced in diplomacy and development matters.

(d) FUNCTIONS OF THE PRESIDENT.—

(1) DECLARATION.—The President may, if the President finds that the circumstances and national security interests of the United States so require, declare that a stabilization and reconstruction emergency exists and shall determine the geographic extent and the date of the commencement of such emergency. The President may amend the declaration as circumstances warrant.

(2) TERMINATION.—If the President determines that a stabilization and reconstruction emergency declared under paragraph (1) is or will be no longer be in existence, the President may terminate, immediately or prospectively, a prior declaration that such an emergency exists.

(3) PUBLICATION IN FEDERAL REGISTER.—Declarations under this subsection shall be published in the Federal Register.

(e) AUTHORITIES OF OFFICE FOLLOWING PRESIDENTIAL DECLARATION.—If the President declares a stabilization and reconstruction emergency pursuant to subsection (d), the President may delegate to the Director the authority to coordinate all Federal efforts with respect to such stabilization and reconstruction emergency, including the authority to direct any Federal agency to support such efforts, with or without reimbursement.

SEC. 1714. PERSONNEL SYSTEM.

(a) PERSONNEL.—

(1) IN GENERAL.—The Director may select, appoint, and employ such personnel as may be necessary for carrying out the duties of the Office, subject to the provisions of title 5, United States Code, governing appointments in the excepted service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, and may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (to the same extent and in the same manner as those authorities may be exercised by an organization described in subsection (a) of such section). In exercising the employment authorities under subsection (b) of such section 3161, paragraph (2) of such subsection (relating to periods of appointments) shall not apply.

(2) SUBDIVISIONS OF OFFICE; DELEGATION OF FUNCTIONS.—The Director may establish bureaus, offices, divisions, and other units within the Office. The Director may from time to time make provision for the performance of any function of the Director by any officer or employee, or office, division, or other unit of the Office.

(3) REEMPLOYMENT AUTHORITIES.—The provisions of section 9902(g) of title 5, United States Code, shall apply with respect to the Office. For purposes of the preceding sentence, such provisions shall be applied—

(A) by substituting ''the United States Office for Contingency Operations'' for ''the Department of Defense'' each place it appears;

(B) by substituting ''the Stabilization and Reconstruction Operations Interagency Enhancement Act of 2012'' for ''the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136)'' in paragraph (2)(A) thereof; and

(C) by substituting ''the Director of the United States Office for Contingency Operations'' for ''the Secretary'' in paragraph (4) thereof.

(b) INTERIM OFFICERS.—

(1) IN GENERAL.—The President may authorize any persons who, immediately prior to the effective date of this Act, held positions in the Executive Branch of the Government, to act as Director, Deputy Director, Associate Director, and Inspector General of the Office until such positions are for the first time filled in accordance with the provisions of this Act or by recess appointment, as the case may be.

(2) COMPENSATION.—The President may authorize any such person described in paragraph (1) to receive the compensation attached to the Office in respect of which such person so serves, in lieu of other compensation from the United States.

(c) CONTRACTING SERVICES.—

(1) IN GENERAL.—The Director may obtain services of experts and consultants as authorized by section 3109 of title 5, United States Code.

(2) ASSISTANCE.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(d) INCENTIVIZING EXPERTISE IN PERSONNEL TASKED FOR STABILIZATION AND RECONSTRUCTION OPERATIONS.—

(1) STUDY.—The Director shall commission a study to measure the effectiveness of personnel in stabilization and reconstruction operations. The study shall seek to identify the most appropriate qualifications for personnel and incentive strategies for agencies to effectively recruit and deploy employees to support stabilization and reconstruction operations.

(2) SENSE OF CONGRESS.—It is the sense of Congress that, in the selection and appointment of any individual for a position both within the Office and other agencies in support of stabilization and reconstruction operations, due consideration should be given to such individual's expertise in such operations and interagency experience and qualifications.

Subtitle B—Preparing and Executing Stability and Reconstruction Operations

SEC. 1721. SOLE CONTROL.

The Director shall have sole control over the coordination of stabilization and reconstruction operations.

SEC. 1722. RELATION TO DEPARTMENT OF STATE AND UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) COORDINATION.—

(1) IN GENERAL.—The Director shall to the greatest degree practicable coordinate with the Secretary of State and the Administrator of the Agency for International Development regarding the Office's plans for stabilization and reconstruction operations. The Director shall give the greatest possible weight to the views of the Secretary and the Administrator on matters within their jurisdiction. During a declaration under section 1713 of a stabilization and reconstruction emergency, the Director shall work closely with the Secretary and the Administrator in planning, executing, and transitioning operations relevant to their respective jurisdictions.

(2) IN-COUNTRY.—During a stabilization and reconstruction emergency, the Director shall work closely with the Chief of Mission, or with the most senior Department of State or Agency for International Development officials responsible for the country in which such emergency exists, to ensure that the actions of the Office do not conflict with the foreign or development policies of the United States.

(b) DETAILING.—The heads of the various departments and agencies of the United States Government (other than the Secretary of Defense) shall provide for the detail on a reimbursable or nonreimbursable basis of such civilian personnel as may be agreed between such heads and the Director for the purposes of carrying out this Act. The heads of such departments and agencies shall provide for appropriate recognition and career progress for individuals who are so detailed upon their return from such details.

SEC. 1723. RELATION TO DEPARTMENT OF DEFENSE COMBATANT COMMANDS PERFORMING MILITARY MISSIONS.

(a) COORDINATION WITH SECRETARY OF DEFENSE AND COMBATANT COMMANDS.—To the greatest degree practicable, the Director shall coordinate with the Secretary of Defense and commanders of unified and specified combatant commands established under section 161 of title 10, United States Code, regarding the plans of the Office for stabilization and reconstruction operations.

(b) STAFF COORDINATION.—The Director shall detail personnel of the Office to serve on the staff of a combatant command to assist in planning when a military operation will involve likely Armed Forces interaction with non-combatant populations, so that plans for a stabilization and reconstruction operation related to a military operation—

(1) complement the work of military planners; and

(2) as provided in subsection (c), ease interaction between civilian direct-hire employees and contractors in support of the stabilization and reconstruction operation and the Armed Forces.

(c) LIMITATIONS.—

(1) DIRECTOR.—The authority of the Director shall not extend to small-scale programs (other than economic development programs of more than a de minimis amount) designated by the Secretary of Defense as necessary to promote a safe operating environment for the Armed Forces or other friendly forces.

(2) MILITARY ORDER.—Nothing in this Act shall be construed as permitting the Director or any of the personnel of the Office (other than a member of the Armed Forces assigned to the Office under subsection (e)) to issue a military order.

(d) SUPPORT.—

(1) ASSISTANCE REQUIRED.—The commanders of combatant commands shall provide assistance, to the greatest degree practicable, to the Director and the personnel of the Office as they carry out their responsibilities.

(2) PERSONNEL.—The Secretary of Defense shall provide for the detail or assignment, on a reimbursable or nonreimbursable basis, to the staff of the Office of such Department of Defense personnel and members of the Armed Forces as may be agreed between the Secretary and the Director as necessary to carry out the duties of the Office.

SEC. 1724. CONTINGENCY FEDERAL ACQUISITION REGULATION.

(a) REQUIREMENT TO PRESCRIBE CONTINGENCY FEDERAL ACQUISITION REGULATION.—The Director, in consultation with the Director of the Office of Management and Budget, shall prescribe a Contingency Federal Acquisition Regulation. The Regulation shall apply, under such circumstances as the Director prescribes, in lieu of the Federal Acquisition Regulation with respect to contracts intended for use in or with respect to stabilization and reconstruction emergencies or in imminent or potential stabilization and reconstruction operations.

(b) PREFERENCE TO CERTAIN CONTRACTS.—It is the sense of Congress that the Contingency Federal Acquisition Regulation required by subsection (a) should include provisions requiring an agency to give a preference to contracts that appropriately, efficiently, and sustainably implement programs and projects undertaken in support of a stabilization and reconstruction operation.

(c) DEADLINE.—The Director shall prescribe the Contingency Federal Acquisition Regulation required by subsection (a) by the date occurring one year after the date of the enactment of this Act. If the Director does not prescribe the Regulation by that date, the Director shall submit to Congress a statement explaining why the deadline was not met.

SEC. 1725. STABILIZATION AND RECONSTRUCTION FUND.

(a) IN GENERAL.—Subject to subsection (c), there is established in the Treasury of the United States a fund, to be known as the ''Stabilization and Reconstruction Emergency Reserve Fund'', to be administered by the Director at the direction of the President and with the consent of the Secretary of State and the Secretary of Defense for the following purposes with respect to a stabilization and reconstruction operation:

(1) Development of water and sanitation infrastructure.

(2) Providing food distribution and development of sustained production.

(3) Supporting relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including assistance for families of innocent civilians who suffer losses as a result of military operations.

(4) Providing electricity.

(5) Providing healthcare relief and developing sustained healthcare.

(6) Development of telecommunications.

(7) Development of economic and financial policy.

(8) Development of education.

(9) Development of transportation infrastructure.

(10) Establishment and enforcement of rule of law.

(11) Humanitarian demining.

(12) Development of agriculture.

(13) Peace enforcement, peacekeeping, and post-conflict peacebuilding.

(14) Development of justice and public safety infrastructure.

(15) Development of security and law enforcement.

(16) Observation and enforcement of human rights.

(17) Development of governance, democratization, and building the capacity of government.

(18) Development of natural resource infrastructure.

(19) Establishment of environmental protection.

(20) Protection of vulnerable populations including women, children, the aged, and minorities.

(21) The operations of the Office.

(22) Any other purpose which the Director considers essential to address the emergency.

(b) CONGRESSIONAL NOTIFICATION.—

(1) PRESIDENTIAL DIRECTION.—At the time the President directs the Director to carry out or support an activity described in subsection (a), the President shall transmit to appropriate congressional committees a written notification of such direction.

(2) ACTIVITIES IN A COUNTRY.—Not less than 15 days before carrying out or supporting an activity described in subsection (a), the Director shall submit to the appropriate congressional committees information related to the budget, implementation timeline (including milestones), and transition strategy

with respect to such activity and the stabilization or reconstruction operation at issue.

(c) AUTHORIZATION OF APPROPRIATIONS.—No funds are authorized to be appropriated to the fund established in subsection (a) other than pursuant to a law enacted after the date of the enactment of this Act. Any such sums authorized to be appropriated—

(1) shall be available until expended;

(2) shall not be made available for obligation or expenditure until the President declares a stabilization and reconstruction emergency pursuant to section 1713; and

(3) shall be in addition to any other funds made available for such purposes.

Subtitle C—Responsibilities of the Inspector General

SEC. 1731. INSPECTOR GENERAL.

(a) IN GENERAL.—There shall be within the Office an Office of the Inspector General, the head of which shall be the Inspector General of the United States Office for Contingency Operations (in this title referred to as the ''Inspector General''), who shall be appointed as provided in section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.).

(b) TECHNICAL AMENDMENTS AND ADDITIONAL AUTHORITIES.—The Inspector General Act of 1978 (5 U.S.C. App) is amended—

(1) in section 12—

(A) in paragraph (1), by inserting ''the United States Office for Contingency Operations;'' after ''the President of the Export-Import Bank;''; and

(B) in paragraph (2), by inserting ''the United States Office for Contingency Operations,'' after ''the Federal Housing Finance Agency,'';

(2) in section 8J, by striking ''8E or 8F'' and inserting ''8E, 8F, or 8M''; and

(3) by inserting after section 8L the following new section:

''SEC. 8M. SPECIAL PROVISIONS CONCERNING THE INSPECTOR GENERAL OF THE UNITED STATES OFFICE FOR CONTINGENCY OPERATIONS.

''(a) SPECIAL AUDIT AND INVESTIGATIVE AUTHORITY.—

''(1) IN GENERAL.—When directed by the President, or otherwise provided by law, and in addition to the other duties and responsibilities specified in this Act, the Inspector General of the United States Office for Contingency Operations—

''(A) shall, with regard to the activities of the United States Office for Contingency Operations, have special audit and investigative authority over all accounts, spending, programs, projects, and operations; and

''(B) shall have special audit and investigative authority over the activities described in paragraph (2).

''(2) ACTIVITIES DESCRIBED.—The activities described in this paragraph are activities funded or undertaken by the United States Government that are not undertaken by or under the direction or supervision of the Director of the United States Office for Contingency Operations—

''(A) in response to emergencies, destabilization, armed conflict, or events that otherwise require stabilization or reconstruction operations;

''(B) where a rapid response by the United States is required or anticipated to be required; and

''(C) where the Inspector General is more well-suited than the implementing department or agency to engage rapidly in audit and investigative activities.

''(3) ADMINISTRATIVE OPERATIONS.—In any case in which the Inspector General of the United States Office for Contingency Operations is exercising or preparing to exercise special audit and investigative authority under this subsection, the head of any department or agency undertaking or preparing to undertake the activities described in paragraph (2) shall provide such Inspector General with appropriate and adequate office space within the offices of such department or agency or at appropriate locations of that department or agency overseas, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

''(b) ADDITIONAL DUTIES.—

''(1) IN GENERAL.—It shall be the duty of the Inspector General of the United States Office for Contingency Operations to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for activities to be carried out by or under the direction or supervision of the Director of the United States Office for Contingency Operations, or for activities subject to the special audit and investigative authority of such Inspector General under subsection (a), and of the programs, operations, and contracts carried out utilizing such funds, including—

''(A) the oversight and accounting of the obligation and expenditure of such funds;

''(B) the monitoring and review of activities funded by such funds;

''(C) the monitoring and review of contracts funded by such funds;

''(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States, and private and nongovernmental entities; and

''(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds.

''(2) SYSTEMS, PROCEDURES, AND CONTROLS.—The Inspector General of the United States Office for Contingency Operations shall establish, maintain, and oversee such systems, procedures, and controls as such Inspector General considers appropriate to discharge the duty under paragraph (1).

''(c) PERSONNEL AUTHORITY.—

''(1) IN GENERAL.—The Inspector General of the United States Office for Contingency Operations may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office, subject to the provisions of title 5, United States Code, governing appointments in the excepted service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

''(2) EMPLOYMENT AUTHORITY.—The Inspector General of the United States Office for Contingency Operations may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section). In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under paragraph (1) of this subsection, paragraph (2) of such subsection (b) (relating to periods of appointments) shall not apply.

''(3) EXEMPTION.—Section 6(a)(7) shall not apply with respect to the Inspector General of the United States Office for Contingency Operations.

''(d) REPORTS.—

''(1) QUARTERLY REPORTS.—

''(A) IN GENERAL.—Not later than 60 days after the end of each fiscal-year quarter, the Inspector General of the United States Office for Contingency Operations shall submit to the appropriate committees of Congress a report in accordance with subparagraph (B) that summarizes for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities of such Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for activities carried out by or under the direction or supervision of the Director of the United States Office for Contingency Operations.

''(B) CONTENTS OF QUARTERLY REPORT.—Each report submitted pursuant to subparagraph (A) shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with reconstruction and rehabilitation activities by or under the direction or supervision of the Director of the United States Office for Contingency Operations, or under the special audit and investigative authority under subsection (a) of the Inspector General of the United States Office for Contingency Operations, and segregated by area (as may be prescribed by such Inspector General), including the following:

''(i) Obligations and expenditures of appropriated funds.

''(ii) A project-by-project and program-by-program accounting of the costs incurred to date by such Office or under the direction or supervision of such Office, or under the special audit and investigative authority of such Inspector General, for each stabilization and reconstruction operation, together with the estimate of the department or agency of the United States, as applicable, of the costs to complete each project and each program.

''(iii) Revenues attributable to or consisting of funds provided by foreign countries or international organizations, and any obligations or expenditures of such revenues.

''(iv) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

''(v) Operating expenses of departments, agencies, or other entities receiving amounts appropriated or otherwise made available to or obligated or expended under the direction or supervision of such Director.

''(vi) In the case of a covered contract—

''(I) the amount of such contract;

''(II) a brief discussion of the scope of such contract;

''(III) a discussion of how the relevant department, agency, or other entity identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers; and

''(IV) the extent to which competitive procedures were used for such contract.

''(C) REPORT COORDINATION.—Each report under this paragraph shall be furnished to the head of the establishment involved not later than 30 days after the submission of the report under subparagraph (A) and shall be transmitted by such head to the appropriate committees of the Congress not later than 30 days after receipt of the report, together with a report by the head of the establishment containing any comments such head determines appropriate, including a classified annex if such head considers it necessary.

''(2) SEMIANNUAL REPORTS.—The Inspector General of the United States Office for Contingency Operations shall submit to the appropriate committees a semiannual report that includes a summary of the activities of the Office, including activities described in paragraphs (1) through (13) of section 5(a) of this Act. The first such report for a year, covering the first six months of the year, shall be submitted not later than August 30

of that year, and the second such report, covering the second six months of the year, shall be submitted not later than February 28 of the following year.

''(3) WAIVER.—

''(A) IN GENERAL.—The President may waive any of the requirements to be included in the reports under paragraph (1) or (2) if the President determines that the waiver is justified for national security reasons.

''(B) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this paragraph in the Federal Register not later than the date on which the report for which a waiver was made is required to be submitted to Congress under paragraph (1) or (2).

''(C) DESCRIPTION OF WAIVER IN REPORT.—The reports required under paragraph (1) or (2) shall specify whether waivers under this paragraph were made and with respect to which requirements.

''(4) REPORTS UNDER SECTION 5 OF THIS ACT.—

''(A) IN GENERAL.—In addition to reports otherwise required to be submitted under this subsection, the Inspector General of the United States Office for Contingency Operations—

''(i) may issue periodic reports of a similar nature to the quarterly reports submitted under paragraph (1) with respect to activities subject to the special audit and investigative authority of such Inspector General under subsection (a); and

''(ii) if such Inspector General did not engage, during any six month period, in audit or investigation activities with respect to activities carried out under the direction or supervision of the Director, shall issue a report, not later than six months after the previous report was issued under this subsection that includes a summary of the activities of the Office, including activities described in paragraphs (1) through (13) of section 5(a) of this Act.

''(B) EXEMPTION.—The Inspector General of the United States Office for Contingency Operations is not required to provide reports under section 5 of this Act.

''(5) LANGUAGE OF REPORTS.—The Inspector General of the United States Office for Contingency Operations shall publish each report under this subsection in both English and to the degree that the Inspector General shall prescribe, in languages relevant to the host country.

''(6) FORM OF SUBMISSION.—Each report under this subsection may include a classified annex if the Inspector General of the United States Office for Contingency Operations considers it necessary.

''(7) DISCLOSURE OF CERTAIN INFORMATION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

''(A) specifically prohibited from disclosure by any other provision of law;

''(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

''(C) a part of an ongoing criminal investigation.

''(e) DEFINITIONS.—In this section:

''(1) APPROPRIATE COMMITTEES.—The term 'appropriate committees' means—

''(A) the Committees on Appropriations, Armed Services, Foreign Affairs, and Oversight and Government Reform of the House of Representatives; and

''(B) the Committees on Appropriations, Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs of the Senate.

''(2) COVERED CONTRACT.—The term 'covered contract' means a contract entered into by any department or agency, with any public or private sector entity, in any geographic area with regard to a stabilization or reconstruction operation or where the Inspector General of the United States Office for Contingency Operations is exercising its special audit or investigative authority for the performance of any of the following:

''(A) To build or rebuild physical infrastructure of such area.

''(B) To establish or reestablish a political or governmental institution of such area.

''(C) To provide products or services to the local population of the area.

''(3) DEPARTMENT OR AGENCY.—The term 'department or agency' means any agency as defined under section 551 of title 5, United States Code.

''(4) STABILIZATION AND RECONSTRUCTION OPERATION.—The term 'stabilization and reconstruction operation' has the meaning given the term in section 1702 of the Stabilization and Reconstruction Operations Interagency Enhancement Act of 2012.''.

(c) TRANSFER AND TERMINATION OF THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION AND THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.—

(1) TRANSFER.—The following shall be transferred to the Office of the Inspector General of the United States Office for Contingency Operations:

(A)(i) All functions vested by law on the day before the effective date of this Act in the Office of the Special Inspector General for Iraq Reconstruction or the Inspector General of such office.

(ii) All functions vested by law on the day before the effective date of this Act in the Office of the Special Inspector General for Afghanistan Reconstruction or the Inspector General of such office.

(B) All personnel, assets, and liabilities of the Office of the Special Inspector General for Iraq Reconstruction, and all personnel, assets, and liabilities of the Office of the Special Inspector General for Afghanistan Reconstruction.

(2) EXERCISE OF FUNCTIONS.—The Inspector General shall exercise all functions transferred by paragraph (1)(A) on and after the effective date of this Act.

(3) PERSONNEL CLASSIFICATION AND COMPENSATION.—The transfer of personnel pursuant to paragraph (1)(B) shall not alter the terms and conditions of employment, including compensation and classification, of any employee so transferred.

(4) TERMINATION.—

(A) IRAQ RECONSTRUCTION FUNCTIONS.—

(i) IN GENERAL.—The authority of the Inspector General to exercise the functions transferred by paragraph (1)(A)(i) shall terminate 180 days after the date on which amounts appropriated or otherwise made available for the reconstruction of Iraq that are unexpended are less than $250,000,000.

(ii) DEFINITION.—In clause (i), the term ''amounts appropriated or otherwise made available for the reconstruction of Iraq'' has the meaning given the term in section 3001(m) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G), as such section was in effect on the day before the effective date of this Act.

(B) AFGHANISTAN RECONSTRUCTION FUNCTIONS.—

(i) IN GENERAL.—The authority of the Inspector General to exercise the functions transferred by paragraph (1)(A)(ii) shall terminate 180 days after the date on which amounts appropriated or otherwise made available for the reconstruction of Afghanistan that are unexpended are less than $250,000,000.

(ii) DEFINITION.—In clause (i), the term ''amounts appropriated or otherwise made available for the reconstruction of Afghanistan'' has the meaning given the term in section 1229(m) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 384), as such section was in effect on the day before the effective date of this Act.

(5) REPEALS.—The following provisions of law are repealed:

(A) Section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234; 5 U.S.C. App., note to section 8G).

(B) Section 1229 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 378).

(d) SAVINGS PROVISIONS.—

(1) COMPLETED ADMINISTRATIVE ACTIONS.—(A) Completed administrative actions of the Office of the Special Inspector General for Afghanistan Reconstruction and the Office of the Special Inspector General for Iraq Reconstruction shall not be affected by the enactment of this Act or the transfer of such offices to the Office of the Inspector General of the United States Office for Contingency Operations, but shall continue in effect according to their terms until amended, modified, superseded, terminated, set aside, or revoked in accordance with law by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(B) For purposes of paragraph (1), the term ''completed administrative action'' includes orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, registrations, and privileges.

(2) PENDING CIVIL ACTIONS.—Pending civil actions shall continue notwithstanding the enactment of this Act or the transfer of the Office of the Special Inspector General for Afghanistan Reconstruction and the Office of the Special Inspector General for Iraq Reconstruction to the Office of the Inspector General of the United States Office for Contingency Operations, and in such civil actions, proceedings shall be had, appeals taken, and judgments rendered and enforced in the same manner and with the same effect as if such enactment or transfer had not occurred.

(3) REFERENCES.—References relating to the Office of the Special Inspector General for Afghanistan Reconstruction and the Office of the Special Inspector General for Iraq Reconstruction that is transferred to the Office of the Inspector General of the United States Office for Contingency Operations in statutes, Executive orders, rules, regulations, directives, or delegations of authority that precede such transfer or the effective date of this Act shall be deemed to refer, as appropriate, to the Office of the Inspector General of the United States Office for Contingency Operations, to its officers, employees, or agents, or to its corresponding organizational units or functions.

Subtitle D—Responsibilities of Other Agencies

SEC. 1741. RESPONSIBILITIES OF OTHER AGENCIES FOR MONITORING AND EVALUATION REQUIREMENTS.

The head of any agency under the authority of the Director in support of a stabilization and reconstruction operation pursuant to section 1713 shall submit to the Director—

(1) on-going evaluations of the impact of such stabilization and reconstruction operation on such agency, including an assessment of interagency coordination in support of such operation;

(2) any information the Director requests, including reports, evaluations, analyses, or

assessments, to permit the Director to satisfy the quarterly reporting requirement under section 1713(a)(4); and

(3) an identification, within each such agency, of all current and former employees skilled in crisis response, including employees employed by contract, and information regarding each such agency's authority mechanisms to reassign or reemploy such skilled personnel and mobilize rapidly associated resources in response to such operation.

SEC. 1742. TRANSITION OF STABILIZATION AND RECONSTRUCTION OPERATIONS.

(a) TERMINATION.—Upon Presidential termination of a stabilization and reconstruction emergency pursuant to section 1713(d)(2), any effort of a Federal agency under the authority of the Director pursuant to section 1713 in support of a related stabilization and reconstruction operation shall return to the authority of such agency.

(b) SCALE-DOWN OPERATIONS.—The President, in consultation with the Director, the Secretary of State, and the Secretary of Defense, shall delegate to appropriate Federal agencies post-stabilization and reconstruction emergency operations.

SEC. 1743. SENSE OF CONGRESS.

It is the sense of Congress that, to the extent possible, the Director and staff should partner with the country in which a stabilization and reconstruction operation is taking place, other foreign government partners, international organizations, and local nongovernmental organizations throughout the planning, implementation, and particularly during the transition stages of such operations to facilitate long term capacity building and sustainability of initiatives.

Subtitle E—Authorization of Appropriations

SEC. 1751. OFFSET OF COSTS IN ESTABLISHMENT OF OFFICE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Director—

(1) shall reduce obligations for overseas response activities of the Office by not less than $7,000,000 from the amount obligated during fiscal year 2012 for overseas response activities by the Bureau of Conflict and Stabilization Operations and the Office of the Coordinator for Civilian Reconstruction and Stabilization; and

(2) may adjust, consolidate, or eliminate initiatives, positions, and programs to be incorporated within the Office (other than within the Office of Inspector General)—

(A) in order to achieve economies in operation; and

(B) in order to align the operations of the initiatives, positions, and programs more closely with the purposes of this title as stated in section 1703(b).

(b) REDUCTION IN COSTS.—In addition to the authority granted in subsection (a), the Director shall take such steps as the Director determines necessary to ensure, in each fiscal year, that costs incurred to carry out the provisions of this title do not exceed the sum of—

(1) 80 percent of amounts obligated in fiscal year 2012 for initiatives, positions, and programs transferred to the Office pursuant to this title other than those relating to the Inspector General of the Office; and

(2) 100 percent of the amounts obligated in fiscal year 2012 for initiatives, positions, and programs transferred to the Office pursuant to this Act relating to the Inspector General of the Office.

(c) REPORT.—Notwithstanding any other provision of law, the Director shall submit to Congress not later than 60 days after the date of the enactment of this Act a report on the actions taken to ensure compliance with subsections (a) and (b), including the specific initiatives, positions, and programs that have been adjusted or eliminated to ensure that the costs of carrying out this title will be offset.

SEC. 1752. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title for each of fiscal years 2013 through 2017 an amount that does not exceed the amount determined pursuant to section 1751(b) of this title.

SEC. 1753. SUNSET.

This title (other than this section) shall cease to be effective on September 30, 2017.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Missouri (Mr. CARNAHAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. CARNAHAN. At this time, I would like to engage in a colloquy with the chairman of the Armed Services Committee.

Mr. MCKEON. I am happy to oblige.

Mr. CARNAHAN. Thank you, Mr. Chairman.

My amendment integrates duplicative functions related to overseas contingency operation planning, management, and oversight into the U.S. Office for Contingency Operations—responding to a litany of concerns that have been raised in recent years pointing to the mismanagement of U.S. tax dollars in operations in Iraq and Afghanistan.

In fact, last August, the Commission on Wartime Contracting estimated that as much as $30 billion to $60 billion may have been lost due to waste and fraud in Iraq and Afghanistan. Poor accountability and oversight has also undermined the effectiveness of U.S. operations.

As the commission's report notes, there will be a next contingency, whether it takes the form of overseas hostilities or responding to emergencies like terror attacks, natural disasters, or other humanitarian crises. We must take action to ensure we are fully prepared for these scenarios.

Systemic problems within the U.S. Government have contributed to serious flaws in the preparation, management, and execution of contingency operations. Currently, responsibilities for these initiatives are spread over several U.S. departments and agencies, resulting in diffused accountability. While there have been positive steps to address issues of coordination, a great deal more needs to be done.

In fact, many of our key allies in NATO already have agencies or offices with cross-cutting functions, similar to that proposed in my amendment, that reflect the nature of the 21st century security challenges we face. It will certainly require an act of this body to streamline our system. More importantly, it is our duty as Members of Congress to exercise the strict oversight of conflict and stabilization initiatives. As then-Senator Harry Truman found when fighting the waste and mismanagement of funding during World War II, effective congressional oversight cannot only save lives and money, it makes our efforts stronger.

For these reasons, I have worked over the past couple of years to develop this legislation, with many others' input, that integrates duplicative functions into one streamlined office. It further ensures the proper acquisition, planning, contract management, and enhanced inspector general oversight to protect our resources from waste, fraud, and abuse. Beyond safeguarding spending, it promotes the readiness and safety of our deployed personnel and of our overall ability to effectively execute operations.

Chairman MCKEON, I understand you have raised some questions with regard to this amendment. I respect your points that you have made, and will be withdrawing this amendment. However, I would like to work with you and the committee in responding to these issues so we then have an opportunity to move this concept forward. Specifically, I hope the Armed Services Committee will hold hearings on this legislation and work toward incorporating its goals during the conference committee of this authorization bill.

Mr. MCKEON. I thank the gentleman for his efforts in addressing such a complex and serious issue.

I agree that much needs to be done to improve our contingency contracting outcomes and to preserve and integrate the lessons learned over the last 10 years. The committee report accompanying the bill takes action on many of these same concerns. The committee will pursue this issue going forward to explore additional recommendations for systemic improvements to operational combat support and stabilization and reconstruction programs, including the proposal represented by the gentleman's amendment.

Mr. CARNAHAN. I thank the chairman for that commitment.

I now ask unanimous consent to withdraw my amendment from further consideration, and I yield back the balance of my time.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 52 OFFERED BY MR. PETRI

The Acting CHAIR. It is now in order to consider amendment No. 52 printed in House Report 112–485.

Mr. PETRI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle C of title XXVIII, insert the following:

SEC. 2824. DEFINITION OF RENEWABLE ENERGY SOURCE FOR DEPARTMENT OF DEFENSE ENERGY SECURITY.

Section 2924(7)(A) of title 10, United States Code, is amended by inserting before the period at the end the following: ''and direct solar renewable energy''.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Wisconsin (Mr. PETRI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. PETRI. I join with my colleague, Representative HANK JOHNSON, in offering this amendment today.

The budget year 2007 Defense Authorization Act created a statutory goal that 25 percent of the energy utilized by the Department of Defense facilities come from renewable energy sources by 2025.

□ 0100

The budget year 2010 Defense authorization act modified that goal to explicitly include renewable energy technologies like geothermal heat pumps that do not first convert energy to electricity, but instead use the energy directly to accomplish a task such as heating or cooling a building.

One technology—direct solar—is becoming increasingly prevalent throughout our economy, but that was left out of the changes made in the budget year 2010 act. Direct-use solar energy technology channels solar energy in the form of sunlight into a building using light pipes to provide interior lighting that is similar to traditional electrically powered lighting. Direct solar allows much of a building's internal lighting to come from sunlight, relying on electrical lighting only in the off-peak evening hours or when sunlight is diminished.

The amendment before us would simply clarify that direct-use solar energy, like geothermal heat pumps and other direct-use technologies that are now included, is considered a renewable energy source for the purposes of this requirement. This change was included in the House NDAA bill last year; however, it was unfortunately not included in the final conference report.

These changes will provide the Department of Defense with the flexibility to meet its energy requirements more quickly and in a more cost-effective way.

I respectfully request that my colleagues support this amendment, and I reserve the balance of my time.

Ms. BORDALLO. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentlewoman from Guam is recognized for 5 minutes.

Ms. BORDALLO. I yield myself such time as I may consume.

While I appreciate the gentleman's support for direct-solar energy, this provision helps a specific technology to gain greater business opportunities. Unfortunately, their technology—direct solar—does not generate electricity or energy. It simply dispenses sunlight from skylights. If this amendment were to pass, the Department of Defense could meet all of their renewable-energy goals simply by accounting for light through windows, and this is not wise.

By adopting this amendment, we head down a slippery slope whereby we begin to highlight specific technologies in statute. And given the evolving nature of these technologies, that is not wise. The Department of Energy is the lead Department for defining energy standards and definitions, and this amendment undermines that expertise. Again, this seemingly innocuous amendment has some significant unintended consequences.

I reserve the balance of my time.

Mr. PETRI. This is not a window or a skylight. This is a technology that gathers the light through a lens, moves it through a light pipe, which then a fiber optical cable moves electrical light around the building. So it goes from the first floor, sometimes to the third or fourth floor down in the building. It is used by Coca-Cola and many other companies in the private sector. It's modern technology. It saves energy. It will save money so that we can meet our important defense needs without wasting money on unnecessary technology that moves it from solar to electricity and back to light, wasting a lot of energy in the process.

I yield to my colleague from Maryland.

Mr. BARTLETT. Thank you very much for yielding.

In the late seventies and early eighties, I was a land developer and homebuilder, among other things I was involved in. And I built 41 houses in one subdivision that used direct solar.

Direct solar simply means that you're using the sunlight directly without having it differentially warm the air so that you get wind blowing or turning a wind machine or it's shining on some solar panels that produce electricity.

You can use direct solar for a couple of different things. One is space warming. You simply have a lot of gas on the south side of the house and design it open so the air flows through it, or you can use it for lighting. There is no better light. Any building that's on the top floor, you don't need any windows on the side; you need windows on the top to let light in. It's an enormous energy saver. It's a very efficient use of light. I have no idea why every building shouldn't incorporate direct solar as much.

Thank you, sir, for your amendment. I urge its adoption.

Mr. PETRI. I urge that this House not prefer one particular technology, which is currently the case, but allow a variety of technologies to meet the goal of a more energy-efficient society.

I yield back the balance of my time.

Ms. BORDALLO. Mr. Chairman, I yield the gentleman from Washington 30 seconds.

Mr. SMITH of Washington. Mr. Chairman, that all sounds good; but the one thing that direct solar apparently can't do is actually generate energy and generate electricity. That's the problem with including it in the program for alternative energy. It may well be a very good thing, and it may be something we ought to do; but to say that it's going to count as an alternative energy source when it's not actually an energy source is what we object, to pure and simply; and it does not fit in this category.

That's why I join the gentlelady from Guam in opposing the amendment.

Ms. BORDALLO. Mr. Chairman, by allowing direct solar to be used to meet the DOD goal of producing or procuring 25 percent of its energy from renewable sources by 2025 would also permit sunlight from windows to be counted toward meeting that goal.

Unlike a heat pump that converts the renewable geothermal source into electricity, direct solar does not convert the renewable solar source into electricity. It disperses light into a room similar to a skylight.

The underlying law that this amendment seeks to modify states that ''renewable energy source'' means energy generated from renewable sources. Direct solar does not generate energy, and the sponsor's Dear Colleague actually states that.

Direct solar is important to our efforts to reduce our dependence of fossil fuel as an energy-efficient technology, and we address this in our House report accompanying this bill. However, if deemed renewable, it would undermine congressional intent for how DOD will meet its goals for renewable sources that generate energy.

The Department of Defense opposes this amendment, and I strongly urge my colleagues to vote ''no'' against this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. PETRI).

The amendment was agreed to.

AMENDMENT NO. 53 OFFERED BY MR. BARTLETT

The Acting CHAIR. It is now in order to consider amendment No. 53 printed in House Report 112–485.

Mr. BARTLETT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle F of title XXVIII, add the following new section:

SEC. 28___. LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORT REGARDING ACQUISITION OF LAND AND DEVELOPMENT OF A TRAINING RANGE FACILITY ADJACENT TO THE MARINE CORPS GROUND AIR COMBAT CENTER TWENTY NINE PALMS, CALIFORNIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The Marine Corps has studied the feasibility of acquiring land and developing a training range facility to conduct Marine Expeditionary Brigade level live-fire training on or near the West Coast.

(2) The Bureau of Land management estimates on national economic impact show $261.5 million in commerce at risk.

(3) Economic impact on the local community is estimated to be $71.1 Million.

(b) LIMITATION OF FUNDS PENDING REPORT.—

(1) IN GENERAL.—The Secretary of the Navy may not obligate or expend funds for the transfer of land or development of a new

training range on land adjacent to the Marine Corps Ground Air Combat Center Twenty Nine Palms, California until the Secretary of the Navy has provided the Congressional defense committees a report on the Marine Corps' efforts with respect to the proposed training range.

(2) ELEMENTS OF REPORT.—The report required under paragraph (1) shall be submitted not later than 90 days after the date of enactment of this Act and shall include the following:

(A) A description of the actual training requirements for the proposed range and where those training requirements are currently being met to support combat deployments.

(B) Identify the impact on off-road vehicle recreational users of the land, the economic impact on the local economy, the recreation industry, and any other stakeholders.

(C) Identify any concerns discussed with the Bureau of Land Management regarding their assessments of the impact on other users.

(D) Identify the impact on the State of California's 1980 Desert Conservation plan regarding allocation of the Off Highway Vehicle Recreation Areas.

(E) The potential to use the same land without transfer, but under specific permits for use provided by the (such as agreements at other locations under permit from the Forest Service and Bureau of Land Management).

(F) Any potential on other Bureau of Land Management lands proximate to the Marine Corps Ground Air Combat Center Twenty Nine Palms or other locations in the geographic region.

(3) SECRETARY OF DEFENSE WAIVER.—In the event of urgent national need, the Secretary of Defense may notify the Congressional Committees and waive the requirement for this report.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Maryland (Mr. BARTLETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. BARTLETT. Currently, 189,000 acres of land under control of the Bureau of Land Management adjacent to the Marine Corps Ground Air Combat Center, Twenty-Nine Palms, California, is designated by the 1980 California Desert Conservation Plan as an off-highway vehicle recreation area.

The Marine Corps wants to acquire most of this land, 160,000 acres to 189,000, including the Johnson Valley area, most heavily used for recreation.

Currently, only 2 percent of the California desert is open for motorized off-highway vehicle recreation use with half of this 2 percent being in the Johnson Valley area. The recreational community use of Johnson Valley brings in over $70 million per year to the local economy. The recreational community includes rock hounds, off-highway vehicles, motorcycles, bicycles, campers, hikers, birdwatchers, turtlewatchers, model-airplane groups, and the commercial movie industry.

□ 0110

The Marine Corps has been working very closely with the recreational community in the Bureau of Land Management to find a compromise that's acceptable to all parties. My amendment simply codifies an ongoing process, recognizing the intent of the Marine Corps to submit a report to the Congress recommending the accommodation of the interest of the stakeholders.

I do not believe there's any opposition to this amendment. Indeed, the Marine Corps helped to write these talking points. The Congresspersons who do have districts close enough to be materially affected by this are not opposed to this amendment.

If there's no overt opposition to the amendment, I am prepared to yield back the balance of my time.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. BARTLETT).

The amendment was agreed to.

AMENDMENT NO. 54 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIR. It is now in order to consider amendment No. 54 printed in House Report 112–485.

Mr. FRANKS of Arizona. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle B of title XXXI, add the following new section:

SEC. 3123. LIMITATION ON AVAILABILITY OF FUNDS FOR NUCLEAR NONPROLIFERATION ACTIVITIES WITH RUSSIAN FEDERATION.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for defense nuclear nonproliferation may be obligated or expended for nuclear nonproliferation activities with the Russian Federation until the date that is 30 days after the date on which the Secretary of Energy certifies, in coordination with the Secretary of State and the Secretary of Defense, to the appropriate congressional committees that—

(1) Russia is no longer—

(A) providing direct or indirect support to the government of Syria's suppression of the Syrian people; and

(B) transferring to Iran, North Korea, or Syria equipment and technology that have the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems controlled under multilateral control lists; or

(2) funds planned to be obligated or expended for nuclear nonproliferation activities with the Russian Federation are strictly for project closeout activities and will not be used for new activities or activities that will extend beyond fiscal year 2013.

(b) WAIVER.—The Secretary of Energy may waive the limitation in subsection (a) if—

(1) the Secretary determines that such waiver is in the national security interests of the United States;

(2) the Secretary briefs, in an unclassified form, the appropriate congressional committees on the justifications of such waiver; and

(3) a period of 90 days has elapsed following the date on which such briefing is held.

(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.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Arizona (Mr. FRANKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FRANKS of Arizona. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment prohibits FY13 NNSA nonproliferation activities with Russia until the Secretary of Energy, in cooperation with the Secretaries of State and Defense, can certify two things: first, that Russia is no longer providing support to the Assad regime's efforts to suppress the Syrian people; and, second, that Russia is not providing technology or equipment to Iran, North Korea, or Syria that contribute to the development of weapons of mass destruction.

Mr. Chairman, this NNSA program for years has been an effort on our part to assist Russia to secure potential lost nuclear weapons and to help them be able to store and deal with some of the nuclear materials that they may have difficulty doing. But it's come to a point now where we have reached what I consider almost like a schizophrenic relationship here where we are funding Russia's own responsibility to deal with some of their older nuclear technology while allowing them to free up funds to spend on new nuclear technology which they sell to some of our enemies.

Mr. Chairman, that's not keeping faith with the American people. It's not keeping faith with the cause of human peace in the world. And, Mr. Chairman, we need to send Russia a message that we are committed to making sure that we don't arm our enemies and we don't support brutal regimes that suppress innocent people trying to fight for freedom in the world.

Mr. Chairman, this amendment does have two waivers that allow the NNSA to finish current activities due to be completed in fiscal year 2013 or to allow an activity to continue, if the Secretary of Energy believes it's in the national security interest of the United States to do so. In the meantime, Mr. Chairman, this is something that we need to pass, and I would hope that my colleagues would support it.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. We discussed the nonproliferation programs earlier. It is still a critical issue. Former Soviet Union, now Russia and various other countries, have a large number of weapons of mass destruction. And it has been a very successful program. A bipartisan group of I think at least three, if not four Presidents who have worked on this program.

It's important that we continue to cooperate with Russia to try to reduce

proliferation of weapons of mass destruction. It's clearly in our interests. It is also in their interests. And it is a program that has worked and worked quite effectively. Whatever else Russia may be doing that we don't like and agree with, there is near-universal praise of the cooperation that we received on nonproliferation. I don't think it's wise to cut and eliminate this program.

When the greatest threat that we face right now, as everyone will tell you, comes primarily from terrorist non-state actors, and the greatest threat that could happen there is if they got their hands on weapons of mass destruction, that's what we all worry most about in terms of the threat to the United States. A program that is making it more difficult for anyone, particularly terrorist groups, to get access to weapons of mass destruction, it's a program we certainly should not eliminate.

I urge opposition to this amendment, and I reserve the balance of my time.

Mr. FRANKS of Arizona. Well, Mr. Chairman, I would just say that when we are working with what was once the Soviet Union—now Russia—to try to prevent nonproliferation, and we supplied the money to help them prevent proliferation in the world of nuclear weapons while at the same time they are taking that exact same technology and giving it or selling it at great profit many times to our enemies, it just is an example of national cognitive dissonance, and it is something that we should change as quickly as we can.

Russia is one of Syria's main arms suppliers, having supplied an estimated $1 billion worth of arms, including surface-to-air missiles in 2011. It represents a challenge to peace in the region. And, Mr. Chairman, we simply have no business continuing to subsidize them if we're suggesting that we are trying to prevent proliferation while subsidizing their proliferation.

I would just urge the passage of this amendment.

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

Mr. SMITH of Washington. I yield back the balance of my time as well.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FRANKS of Arizona. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 55 OFFERED BY MR. PEARCE

The Acting CHAIR. It is now in order to consider amendment No. 55 printed in House Report 112–485.

Mr. PEARCE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In subtitle E of title XXXI, strike section 3156.

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chair, I yield myself such time as I may consume.

This week we have been inundated with complicated facts and details about our Nation's uranium enrichment capabilities as well as its impact on our national security. All of these technical, confusing arguments revolve around one failed company, the United States Enrichment Corporation, USEC.

Regardless of the complex arguments, it's very simple: Are we going to do the job we were sent here to do and protect the taxpayer from wasteful government spending, or are we going to look the other way and allow a $150 million earmark to bail out a failed private company? My amendment ensures that we do what I believe we came here to do, to be stewards of our constituents' hard-earned tax dollars.

I ask you to remember one fact: USEC is a failed company with no technological innovation to show for the billions it has been given. Why are we propping up this company with more taxpayer money instead of asking the Department of Defense and Department of Energy to use a fair and open and competitive process like it does for every other national security need?

I reserve the balance of my time.

Mr. TURNER of Ohio. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. TURNER of Ohio. I appreciate the gentleman from New Mexico's statement that sometimes it's best to make things as simple as possible. So looking at this as the most simple as possible, the gentleman's amendment merely says: ''Strike.'' So we're striking a provision from the current bill. That provision of the bill merely says that $150 million is for domestic national security-related enrichment technology.

□ 0120

Domestic. And what is this for? This is for our nuclear weapons programs. This is not for a truck fleet to take things from one side of the country to the other. This is our nuclear weapons program.

This provision that is asked to be struck says that it is for domestic national security-related enrichment technology. That means that if you're not doing domestic, you're going to have the United States be subject to foreign sources. Again, these are critical components of our nuclear weapons infrastructure and our nuclear Navy. We do not want to have foreign dependence upon a critical infrastructure.

Tom D'Agostino, director of the NNSA, recently came and briefed members of the Armed Services Committee and those who had an interest in this amendment. And he said, Conclusion: Domestic uranium enrichment capability is required to support national security and meet nuclear nonproliferation objectives.

So we have, one, a critical component of nuclear weapons; two, the issue of domestic or foreign; three, whether or not it's necessary and we need it. Those answer are all yes, which is why we should oppose this amendment.

The next thing is, what does this amendment actually do? This amendment, in striking this section, strikes a critical provision where it says that the United States, upon spending these dollars for our domestic capability, gets a license to the technology. The United States gets delivered to it, the technology of this domestic production. If this is struck, the domestic production, which the money will be spent anyway, no longer has a license.

Now the reason why we spend it anyway is because this amendment from the gentleman from New Mexico deletes section 3156 but it doesn't delete the charts on page 992 from the back of section 4701, which has the line item in it. The money gets spent anyway, but we lose the license.

I reserve the balance of my time.

Mr. PEARCE. I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY), a cosponsor of the amendment.

Mr. MARKEY. After Congress privatized the United States Enrichment Corporation in 1996, we quickly learned that it couldn't survive in the private sector without continued and repeated bailouts by the taxpayer to the tune of billions of dollars. This company should actually be renamed the United States Earmark Corporation. The government has given it free centrifuge technology. The government has given it free uranium that it enriches and then it sells below market prices, undercutting its free market competitors. The government has paid to clean up its radioactive waste. The government has assumed its liabilities. And what has happened to the billions of dollars that it has received from the taxpayers?

Well, the entire company is now worth far less than the $150 million that is contained in this bill. It may be delisted from the New York Stock Exchange and become a penny stock. And after Tuesday's announcement of another gift of free uranium for USEC, Standard & Poor's downgraded it to junk bond status. J.P. Morgan is now in charge of all of its remaining dwindling cash. And when I asked the Treasury Department whether the government's support for the government puts taxpayers at risk, it said ''yes'' to me.

We've been told that this earmark is only about getting the tridium we need for our nuclear weapons, but that is

not true. The treaty that governs uranium enrichment technology does not prevent other companies from doing the work, and URENCO is in New Mexico anyway—the competitor. And even if it did, there are other alternatives. When DOE examined its tridium options, it found that down-blending surplus highly enriched uranium would cost taxpayers hundreds of millions of dollars less than to use this corporation.

This is a waste of money. There are better alternatives already in the United States. There are better technologies that can be used at hundreds of millions of dollars less, and we are continuing to pour this earmark money down a rat hole and wasting it. We should be spending this money on the defense of our Nation.

Mr. TURNER of Ohio. How much time do we have remaining?

The Acting CHAIR. The gentleman has 2½ minutes remaining.

Mr. TURNER of Ohio. I yield 1 minute to the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. I need to point out this is not an earmark. It has already been determined that this is not an earmark. This is a question of whether or not the United States of America is going to maintain its superiority as the world leader and protect our ability to provide for our nuclear security.

The company in New Mexico, URENCO, is not an American-owned company. My colleague from Colorado has already made the comments very clearly. From the National Nuclear Security Administration, from the State Department, write on down the line, we are required to purchase these types of uranium-enriched products from a domestic, indigenous source. That's what this bill is about.

I would be the first one to agree that everything that we're doing in this session of Congress has to do with trying to grow our economy and create jobs. This is one area where national security is concerned where I believe it takes preeminence.

With that, I urge us to defeat this amendment.

Mr. PEARCE. Mr. Chairman, I yield myself such time as I may consume.

We continue to hear different arguments. We hear that USEC is necessary for national security purposes. It is absolutely not. The U.S. Navy confirms that it has enough highly enriched uranium fuel to last until 2050. DOE itself declared that at no time in the foreseeable future would more highly enriched weapons-grade uranium be needed for defense. In March of 2012, the head of NSA testified to the Senate that tridium production would not be affected if USEC failed. We're hearing arguments that don't stand up to the facts.

My colleagues claim that USEC funding will protect U.S. intellectual property. It will not. USEC has had decades and billions of dollars of taxpayer money to create this technology—and has failed. They have created 38 machines. Six of those have failed, one catastrophically. There is nothing to be gained.

Our friends are complaining that this amendment does nothing. In fact, in January of 2012, Secretary Chu wrote a letter that DOE does not have the authority to shift funds around without the consent of Congress. With this amendment we're striking that authority.

Guess what USEC is? USEC is Solyndra on steroids. It is a taxpayer bailout of a failed company. USEC is a company that lost $540 million in 2011, and paid their chief executive officer $45 million while doing it. It's a company that has been downgraded three times in the last 5 years.

Mr. Chairman, I request that we vote for the amendment.

I yield back the balance of my time.

THE SECRETARY OF ENERGY,
Washington, DC, January 13, 2012.

Hon. ED WHITFIELD,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WHITFIELD: Thank you for your letter regarding the proposed Research, Development, and Demonstration (RD&D) plan for the American Centrifuge Project (ACP) in Piketon, Ohio. I continue to believe ACP offers an innovative technology approach to uranium enrichment that offers both national security and economic benefits. The Department's proposed RD&D work is the best way to help ACP achieve commercial viability by reducing technical and financial risks associated with the project.

As you know, in October the Department of Energy and USEC asked Congress to allow the Department to use $150 million in fiscal year 2012 from our existing funds and the transfer authority to re-allocate funds within our existing budget to support the ACP research partnership that would enable the project to reduce its technical and financial risks by finalizing machine designs and demonstrating the technology and key systems on a larger scale. Unfortunately, Congress did not give the Department authority to proceed in this manner.

Because the project has strong commercial potential and because its success would strengthen and protect America's national security interests, we want to continue working with Congress to secure approval for this research effort. To make a down payment on the research effort while giving Congress the additional time it needs to act, the Department has decided to use its administrative authority to provide near term assistance. Specifically, the Department will assume $44 million in liability for uranium tails while taking precautions to protect taxpayers. Transfer authority will still be necessary to complete the full research effort.

With additional time, and strong backing from leaders in Congress, we hope that Congress will approve transfer authority to allow DOE to use its own funds to conduct RD&D on advanced enrichment technology.

In the absence of Congressional action to provide DOE the necessary transfer authority, the company asserts that the project and the jobs it supports are in jeopardy; demobilization of the project could entail significant risk that the project could not successfully be restarted. I urge Congress to act as swiftly as possible to provide the needed transfer authority so that we can use funds from our existing budget to fund the full RD&D program.

I thank you for your efforts to support a domestic uranium enrichment capacity in order to advance our energy, economic, and national security interests. I remain hopeful that by working together, and with prompt action by Congress, we can succeed in making the full RD&D program a reality. Please do not hesitate to contact me if you have any questions.

Sincerely,

STEVEN CHU.

Mr. TURNER of Ohio. The letter that the gentleman from New Mexico just placed in the RECORD concerned fiscal year 2012. This bill is about fiscal 2013. And so it's irrelevant. It's fine to have in the RECORD so people can confirm that.

I yield 1 minute to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Chairman, we should remember as a Nation that there was a time when we were the only country on Earth that had nuclear weapons capability. But that fell into foreign hands and the arms race was born. We should also remember that there was a time when we produced almost all of our uranium needs for our nuclear power plants. Today, we import over 90 percent of that.

Mr. Chairman, both in terms of national security and in terms of not letting a foreign entity have leverage over our nuclear Navy capability and our nuclear arms capability, I believe that we should not pass this amendment and change this language, because it's important that we maintain both our security and our ability to produce our needed uranium fuel and highly enriched weapons-grade uranium at home.

Mr. TURNER of Ohio. All of the names of the companies that have been mentioned in this debate are not in this bill. This bill even requires competition. It's somewhat irrelevant to have the discussion on specific companies.

I yield the balance of my time to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, this is a matter of national security. This amendment would force the United States to be 100 percent reliant on the Russian and European suppliers of enriched uranium, a compound critical to America's energy and national security needs. That's just unacceptable. I don't have anything against the Russians or Europeans, our friends, but it would be a strategic malfeasance to rely on them.

Do not pass this amendment.

□ 0130

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. PEARCE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

Mr. MCKEON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHABOT) having assumed the chair, Mr. PETRI, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes, had come to no resolution thereon.

IT AND SUPPLY CHAIN SECURITY

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

Mrs. MYRICK. I rise today in support of the supply-chain security language that Representative TURNER included in his Strategic Forces Subcommittee section of the National Defense Authorization Act.

Information technology procurement and supply-chain management continue to be a challenge for both the private sector and the Federal Government. Congress must continue to ensure that those entities have the resources and legal authority necessary to prevent certain companies from inserting potentially malicious equipment into various supply chains. The threats amplify when our public and private sectors consider Chinese State-owned and government-affiliated telecommunications companies as potential business partners.

I would like to submit an article into the RECORD, Madam Speaker, that demonstrates a recent concern about the ZTE Corporation. ZTE is a Chinese State-owned and -operated company.

[From ZDNet, May 15, 2012]

BACKDOOR FOUND IN ZTE ANDROID PHONES

(By Michael Lee)

Two mobile phones, developed by Chinese telecommunications device manufacturer ZTE, have been found to carry a hidden backdoor, which can be used to instantly gain root access with a password, that has been hard-coded into the software.

Android devices typically ship with the user unable to run commands as the ''root user'', in order to protect customers from any inadvertent damage they could cause, and to reduce the chance of rogue applications taking complete control of the device. However, following an anonymous post to Pastebin, security researchers have found that ZTE has installed an application on the Score M and the Skate mobile phones, which make rooting these phones simple.

The post said:

''There is a setuid-root [set user ID upon execution] application at /system/bin/sync___agent that serves no function besides providing a root shell backdoor on the device. Just give the magic, hard-coded password to get a root shell.''

The phone is available in the US and the UK, amongst other markets. While no telco in Australia appears to be selling the Score M or Skate mobile phones outright, it is still possible to purchase it online or through smaller firms. ZTE has offices in Sydney and Melbourne, and is a supplier of a large number of Telstra mobile phones, typically rebranded as Telstra's own T- and F-series mobile phones. Telstra is aware of the issue, and is in the process of testing its devices, to determine if the backdoor exists on them.

''Our preliminary tests suggest that handsets supplied to Telstra are unaffected by this issue. That said, we take device security very seriously, and we are conducting more extensive testing to confirm our initial findings. Should we discover any issues, we will contact customers directly,'' Telstra said in a statement.

ZTE is also the company behind the Optus-branded MyTab tablet, which runs Android.

ZDNet Australia contacted Optus to comment on whether its devices may be affected, but did not receive a response at the time of writing.

Although Vodafone sells ZTE-branded USB modems, it does not sell any Android devices from ZTE in Australia.

Former McAfee threat research vice president Dmitri Alperovitch is a security researcher that has independently verified the original claim, posting the password to the hidden application on Twitter.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. WASSERMAN SCHULTZ (at the request of Ms. PELOSI) for today and the balance of the week on account of the b'nai mitzvah of her son and daughter.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2012, 2013, AND FOR THE 10-YEAR PERIOD FY 2013 THROUGH FY 2022

Mr. RYAN of Wisconsin. Mr. Speaker, to facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of on-budget spending and revenues for fiscal years 2012, 2013, and for the 10-year period fiscal year 2013 through fiscal year 2022. This status report is current through May 11, 2012.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the overall limits set in H. Con. Res. 34 for fiscal year 2012 and H. Con. Res. 112 for fiscal year 2013. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2013 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for action completed by each authorizing committee with the ''section 302(a)'' allocations made under H. Con. Res. 34 for fiscal year 2012 and under H. Con. Res. 112 for fiscal year 2013 and fiscal years 2013 through 2022. ''Action'' refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal years 2012 and 2013 with the ''section 302(b)'' suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for fiscal year 2014 of accounts identified for advance appropriations under section 501 of H. Con. Res. 112. This list is needed to enforce section 501 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

If you have any questions, please contact Paul Restuccia.

STATUS OF THE FISCAL YEAR 2012 & 2013 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 34 & H. CON. RES. 112

[Reflecting Action Completed as of May 11, 2012—On-budget amounts, in millions of dollars

	Fiscal Year 2012 [1]	Fiscal Year 2013 [2]	Fiscal Years 2013–2022
Appropriate Level:			
Budget Authority	2,858,503	2,793,848	n.a.
Outlays	2,947,662	2,891,589	n.a.
Revenues	1,877,839	2,260,625	32,439,140
Current Level:			
Budget Authority	3,112,936	1,867,303	n.a.
Outlays	3,167,577	2,351,864	n.a.
Revenues	1,890,471	2,293,339	32,472,564
Current Level over (+)/under (−) Appropriate Level:			
Budget Authority	+254,433	−926,545	n.a.
Outlays	+219,915	−539,725	n.a.
Revenues	+12,632	+32,714	+33,424

n.a. = Not applicable because annual appropriations Acts for fiscal years 2013 through 2022 will not be considered until future sessions of Congress.

[1] Notes for 2012:
The appropriate level for FY2012 was established in H. Con. Res 34, which was subsequently deemed to be in force in the House of Representatives pursuant to H. Res. 287. The current level for FY2012 starts with the baseline estimates contained in An Analysis of the President's Budgetary Proposals for Fiscal Year 2012, published by the Congressional Budget Office, and makes adjustments to those levels for enacted legislation.
[2] Notes for 2013:
The appropriate level for FY2013 was established in H. Con. Res 112, which was subsequently deemed to be in force in the House of Representatives pursuant to H. Res. 614 and H. Res. 643. The current level for FY2013 starts with the baseline estimates contained in Updated Budget Projections: Fiscal Years 2012 to 2022, published by the Congressional Budget Office, and makes adjustments to those levels for enacted legislation.

BUDGET AUTHORITY

Budget authority for FY 2012 is above the appropriate levels set by H. Con. Res. 34.

Budget authority for FY 2013 is below the appropriate levels set by H. Con. Res. 112.

OUTLAYS

Outlays for FY 2012 are above the appropriate levels set by H. Con. Res. 34.

Outlays for FY 2013 are below the appropriate levels set by H. Con. Res. 112.

REVENUE

Revenue for FY 2012 is above the appropriate levels set by H. Con. Res. 34.

Revenue for FY 2013 is above the appropriate levels set by H. Con. Res. 112.

Revenue for the period FY 2013 through FY 2022 is above the appropriate levels set by H. Con. Res. 112.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATION FOR RESOLUTION CHANGES

Reflecting Action Completed as of May 11, 2012—Fiscal Years, in millions of dollars

	2012		2013		2013-2022	
	BA	Outlays	BA	Outlays	BA	Outlays
House Committee:						
Agriculture:						
Allocation	−2,315	−2,228	−1,577	−1,503	−179,410	177,171
Current Level	0	0	0	0	0	0
Difference	+2,315	+2,228	+1,577	+1,503	+179,410	+177,871
Armed Services:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and the Workforce:						
Allocation	−4,994	−2,522	−18,098	−7,096	−227,471	−210,669
Current Level	+8,690	+3,492	0	0	0	0
Difference	+13,684	+6,014	+18,098	+7,096	+227,471	+210,669
Energy and Commerce:						
Allocation	−698	−1,207	−20,137	−4,661	−1,802,097	−1,767,601
Current Level	+13,189	+14,033	0	0	0	0
Difference	+13,887	+15,240	+20,137	+4,661	+1,802,097	+1,767,601
Financial Services:						
Allocation	−5,986	−6,485	−8,562	−8,495	−65,193	−65,098
Current Level	−1,300	−1,300	0	0	0	0
Difference	+4,686	+5,185	+8,562	+8,495	+65,193	+65,098
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Homeland Security:						
Allocation	−1,900	−1,900	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	+1,900	+1,900	0	0	0	0
House Administration:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Judiciary:						
Allocation	−387	−1	−8,490	−594	−15,645	−13,737
Current Level	−3	−3	0	0	0	0
Difference	+384	−2	+8,490	+594	+15,645	+13,737
Natural Resources:						
Allocation	−239	−190	−460	−229	−8,242	−8,076
Current Level	0	0	0	0	0	0
Difference	+239	+190	+460	+229	+8,242	+8,076
Oversight and Government Reform:						
Allocation	−8,102	−8,275	−8,146	−8,113	−140,709	−140,829
Current Level	0	−1	0	0	0	0
Difference	+8,102	+8,274	+8,146	+8,113	+140,709	+140,829
Science, Space and Technology:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Transportation and Infrastructure:						
Allocation	−17,250	−122	−36,626	−9,354	−130,371	−28,397
Current Level	−350	0	0	0	0	0
Difference	+16,900	+122	+36,626	+9,354	+130,371	+28,397
Veterans' Affairs:						
Allocation	0	0	0	0	0	0
Current Level	−26	−26	0	0	0	0
Difference	−26	−26	0	0	0	0
Ways and Means:						
Allocation	−7,945	−8,020	−5,970	−8,211	−810,375	−817,297
Current Level	+118,306	+117,985	0	0	0	0
Difference	+126,251	+126,005	+5,970	+8,211	+810,375	+817,297

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2012—COMPARISON OF CURRENT STATUS WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUB ALLOCATIONS

	302(b) sub allocations as of May 11, 2012 (H. Rept. 112–104)		Current status reflecting action completed as of May 11, 2012		Current status minus sub allocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	17,250	21,452	20,137	23,292	+2,887	+1,840
Commerce, Justice, Science	50,237	62,446	52,944	63,759	+2,707	+1,313
Defense	648,709	654,698	633,229	647,612	−15,480	−7,086
Energy and Water Development	30,639	44,577	33,734	46,422	+3,095	+1,845
Financial Services and General Government	19,895	23,523	21,526	25,735	+1,631	+2,212
Homeland Security	40,850	45,122	46,258	45,360	+5,408	+238
Interior, Environment	27,473	30,766	29,175	30.866	+1,702	+100
Labor, Health and Human Services, Education	139,218	154,253	156,767	179,569	+17,549	+25,316
Legislative Branch	4,314	4,397	4,307	4,336	−7	−61
Military Construction and Veterans Affairs	72,535	78,492	71,747	78,414	−788	−78
State, Foreign Operations	39,569	46,060	53,343	53,880	+13,774	+6,820
Transportation, HUD	47,655	118,272	57,312	122,169	+9,657	+3,897

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2012—COMPARISON OF CURRENT STATUS WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUB ALLOCATIONS—Continued

	302(b) sub allocations as of May 11, 2012 (H. Rept. 112–104)		Current status reflecting action completed as of May 11, 2012		Current status minus sub allocations	
	BA	OT	BA	OT	BA	OT
Subtotal (Section 302(b) Allocations)	1,138,3445	1,284,058	1,180,479	1,320,414	+42,135	+36,356
Total (Section 302(a) Allocation)	1,118,344	1,284,058	1,180,479	1,320,414	+42,135	+36,356
Memorandum:						
Emergencies [1]	0	0	0	0	0	0
Disaster Relief [2]	0	0	10,453	1,803	+10,453	+1,803
Program Integrity [3]	0	0	483	415	+483	+43.5
Global War on Terrorism [4]	126,544	64,100	126,544	63,421	0	−679

[1] Pursuant to H.Con Res 34, emergencies are not reflected in 302(b) allocations or current level above.
[2] The Budget Control Act (P.L 112–25), enacted after passage of the FY2012 House Budget resolution, established statutory discretionary spending caps at different levels than the 302(a) allocation set by the budget resolution. Spending designated for disaster relief under section 251(b)(2)(0) was not inckided within the original 302(a) allocation.
[3] The Budget Control Act (P.L 112–25), enacted after passage of the FY2012 House Budget resolution, established statutory discretionary spending caps at different levels than the 302(a) allocation set by the budget resolution. Spending designated for Continuing Disability Reviews and Redetenninations under section 251(b)(2)(8) was not included within the original 302(a) allocation.
[4] Section 301 of H.Con Res. 34, allows the allocation to the House Committee on Appropriations to be adjusted by amounts designated for the Global War on Terrorism IGWOT). The 302(b) allocations and current status above reflect any adjustments made to date for this purpose. Outlays displayed on the GWOT row, represent only new outlays resulting from new GWOT-related budget authority.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2013—COMPARISON OF CURRENT STATUS WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUB ALLOCATIONS

	302(b) sub allocations as of May 11, 2012 (H. Rept. 112–465)		Current status reflecting action completed as of May 11, 2012		Current status minus sub allocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	19,405	22,189	9	7,734	−19,396	−14,455
Commerce, Justice, Science	51,131	62,953	51,129	62,853	−2	−100
Defense	607,700	622,289	31	239,114	−607,669	−383,175
Energy and Water Development	32,098	40,692	32,098	40,682	0	−10
Financial Services and General Government	21,150	23,939	78	6,310	−21,072	−17,629
Homeland Security	39,117	44,924	0	20,174	−39,117	−24,750
Interior, Environment	23,000	31,058	0	12,209	−28,000	−18,849
Labor, Health and Human Services, Education	150,002	162,564	24,647	112,119	−125,355	−50,445
Legislative Branch	4,289	4,381	0	768	−4,289	−3,613
Military Construction and Veterans Affairs	71,747	79,103	50,014	70,887	−21,733	−8,216
State, Foreign Operations	48,377	51,732	0	30,444	−42,377	−21,288
Transportation, HUD	51,606	115,161	4,400	76,909	−47,206	−38,252
Subtotal (Section 302(b) Allocations)	1,124,621	1,260,985	162,406	680,203	−962,216	−580,782
Total (Section 302(a) Allocation)	1,124,621	1,260,985	162,406	680,203	−962,216	−580,782
Memorandum:						
Emergencies [1]	0	0	0	0	0	0
Disaster Relief [2]	0	0	0	0	0	0
Program Integrity [3]	0	0	0	0	0	0
Global War on Terrorism [4]	96,725	51,125	0	0	−96,725	−51,125

[1] Spending designated as emergency is not included in the 302(a) allocation set by H. Con. Res. 112 or the current status of appropriaitons shown above.
[2] Spending designated as disaster relief is not assumed within the 302(a) allocation set by H. Con. Res 112, but is included in the current status of appropriations shown above.
[3] Spending designated for program integrity is not assumed within the 302(a) allocation set by H. Con. Res 112, but is included in the current status of appropriations shown above.
[4] Spending designated for the Global War on Terrorsim is included in both the 302(a) allocation set by H. Con. Res 122 and the current status of appropriations shown above.

2014 ADVANCE APPROPRIATIONS PURSUANT TO H. CON. RES. 112 AS OF MAY 11, 2012

[Budget authority in millions of dollars]

Section 501(c)(1) Limits	2,014
Appropriate Level	54,462
Enacted Advances:	
Accounts Identified for Advances:	
Department of Veterans Affairs	
Medical Services	0
Medical Support and Compliance	0
Medical Facilities	0
Subtotal, enacted advances [1]	0
Section 502(c)(2) Limits	2014
Appropriate Level	28,852
Enacted Advances:	
Accounts Identified for Advances:	
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement Programs	0
Special Education	0
Career, Technical and Adult Education	0
Tenant-based Rental Assistance	0
Project-based Rental Assistance	0
Subtotal, enacted advances [1]	0
Previously Enacted Advance Appropriations [2]	2,014
Corporation for Public Broadcasting	445
Total, enacted advances [1]	445

[1] Line items may not add to total due to rounding.
[2] Funds were appropriated in Public Law 112–74.

CONGRESSIONAL BUDGET OFFICE
Washington, DC, May 16, 2012.

Hon. PAUL RYAN,
Chairman, Committee on the Budget, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2012 budget and is current through May 11, 2012. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 34, the Concurrent Resolution on the Budget for Fiscal Year 2012, as approved by the House of Representatives.

Since my last letter dated January 25, 2012, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, and revenues for fiscal year 2012:

The FAA Modernization and Reform Act of 2012 (Public Law 112–95); and

The Middle Class Tax Relief and Job Creation Act of 2012 (Public Law 112–96).

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

FISCAL YEAR 2012 HOUSE CURRENT LEVEL REPORT THROUGH MAY 11, 2012

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Previously Enacted:			
Revenues	n.a.	n.a.	1,891,411
Permanents and other spending legislation	1,842,372	1,771,503	n.a.
Appropriation legislation	0	581,418	n.a.
Offsetting receipts	−708,099	−708,099	n.a.
Total, Previously enacted	1,134,273	1,644,822	1,891,411
Enacted Legislation:			
Authorizing Legislation:			
Comprehensive 1099 Taxpayer Protection & Repayment of Exchange Subsidy Overpayments Act of 2011 (P.L. 112–9)	0	0	−490
Airport and Airway Extension Act of 2011, Part II (P.L. 112–16)	−185	0	0
Budget Control Act of 2011 (P.L. 112–25)	8,690	3,492	0
Restoring GI Bill Fairness Act of 2011 (P.L. 112–26)	−26	−26	0
America Invents Act (P.L. 112–29)	−3	−3	−4
An act to extend the Generalized System of Preferences, and for other purposes (P.L. 112–40)	−28	−240	−996
United States-Korea Free Trade Agreement Implementation Act (P.L. 112–41)	53	53	−31

FISCAL YEAR 2012 HOUSE CURRENT LEVEL REPORT THROUGH MAY 11, 2012—Continued

[In millions of dollars]

	Budget Authority	Outlays	Revenues
United States-Colombia Trade Promotion Agreement Implementation Act (P.L. 112–42)	−68	−68	−137
United States-Panama Trade Promotion Agreement Implementation Act (P.L. 112–43)	1	1	118
An act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding . . . and for other purposes (P.L. 112–56)	−39	−39	−25
Temporary Payroll Tax Cut Continuation Act of 2011 (P.L. 112–78)	29,363	29,363	136
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 (P.L. 112–80)	0	−1	0
FAA Modernization and Reform Act of 2012 (P.L. 112–95)	−165	0	−24
Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112–96)	100,913	101,648	513
Total, Authorizing Legislation	138,506	134,180	−940
Appropriations Acts:			
Continuing Appropriations Act, 2012	−1,000	−1,000	0
Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112–55, Divisions A, B, and C)	242,076	195,617	0
Consolidated Appropriations Act, 2012 (P.L. 112–74)	1,621,868	1,193,967	0
Disaster Relief Appropriations Act, 2012 (P.L. 112–77)	8,607	1,608	0
Total, Appropriations Acts	1,871,551	1,390,192	0
Total, Enacted Legislation	2,010,057	1,524,372	−940
Entitlements and Mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	−31,394	−1,617	0
Total Current Level [1]	3,112,936	3,167,577	1,890,471
Total House Resolution [2]	2,858,503	2,947,662	1,877,839
Current Level Over House Resolution	254,433	219,915	12,632
Current Level Under House Resolution	n.a.	n.a.	n.a.
Memorandum:			
Revenues, 2012–2021:			
House Current Level	n.a.	n.a.	30,265,007
House Resolution	n.a.	n.a.	30,232,704
Current Level Over House Resolution	n.a.	n.a.	32,303
Current Level Under House Resolution	n.a.	n.a.	n.a.

Note: n.a. = not applicable; P.L. = Public Law.

[1] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the resolution, as approved by the House of Representatives, does not include budget authority, outlays, or revenues for off−budget amounts. As a result, current level does not include these items.

[2] Periodically, the House Committee on the Budget revises the totals in H. Con. Res. 34, pursuant to various provisions of the resolution:

	Budget Authority	Outlays	Revenues
Original House Resolution	2,858,545	2,947,916	1,891,411
Revisions:			
For the United States-Colombia, Panama, Korea Free Trade Agreement Implementation Acts (section 404)	−14	−14	−50
For an act to extend the Generalized System of Preferences, and for other purposes (section 305)	−28	−240	−996
For the Small Business Tax Cut Act of 2012 (section 404)	0	0	−12,526
Revised House Resolution	2,858,503	2,947,662	1,877,839

SOURCE: Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
Washington, DC, May 16, 2012.

Hon. PAUL RYAN,
Chairman, Committee on the Budget, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2013 budget and is current through May 11, 2012. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 112, the Concurrent Resolution on the Budget for Fiscal Year 2013, as approved by the House of Representatives.

This is CBO's first current level report for fiscal year 2013.

Sincerely,

DOUGLAS W. ELMENDORF

Enclosure

FISCAL YEAR 2013 HOUSE CURRENT LEVEL REPORT THROUGH MAY 11, 2012

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Previously Enacted [1]:			
Revenues	n.a.	n.a.	2,293,339
Permanents and other spending legislation	1,869,081	1,818,192	n.a.
Appropriation legislation	0	553,056	n.a.
Offsetting receipts	−729,799	−729,799	n.a.
Total, Previously enacted	1,139,282	1,641,449	2,293,339
Entitlements and Mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	728,021	710,415	0
Total Current Level [2]	1,867,303	2,351,864	2,293,339
Total House Resolution [3]	2,793,848	2,891,589	2,260,625
Current Level Over House Resolution	n.a.	n.a.	32,714
Current Level Under House Resolution	−926,545	−539,725	n.a.
Memorandum:			
Revenues, 2013–2022:			
House Current Level	n.a.	n.a.	32,472,564
House Resolution	n.a.	n.a.	32,439,140
Current Level Over House Resolution	n.a.	n.a.	33,424
Current Level Under House Resolution	n.a.	n.a.	n.a.

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

1. Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before adoption of H. Con. Res. 112: the FAA Modernization and Reform Act of 2012 (P.L. 112–95), the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112–96), and an act to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes (P.L. 112–99).

2. For purposes of enforcing section 311 of the Congressional Budget Act in the House, the resolution, as approved by the House of Representatives, does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level does not include these items.

3. Periodically, the House Committee on the Budget revises the totals in H. Con. Res. 112, pursuant to various provisions of the resolution:

	Budget Authority	Outlays	Revenues
Original House Resolution	2,793,848	2,891,589	2,293,339
Revisions:			
For the Small Business Tax Cut Act of 2012 (section 404)	0	0	−32,714
Revised House Resolution	2,793,848	2,891,589	2,260,625

REVISIONS TO THE AGGREGATES AND ALLOCATIONS OF THE FISCAL YEAR 2013 BUDGET RESOLUTION

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to section 503 of H. Con. Res. 112, the House-passed budget resolution for fiscal year 2013, deemed to be in force by H. Res. 614 and H. Res. 643, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the budget allocations and aggregates set forth pursuant to the budget for fiscal year 2013. This revision corrects a number that was inadvertently transposed in a previous revision submitted on April 18, 2012 for legislation related to the Small Business Tax Cut Act of 2012, H.R. 9.

This revision represents an adjustment pursuant to sections 302 and 311 of the Congressional Budget Act of 1974, as amended (Budget Act). For the purposes of the Budget Act, these revised aggregates and allocations are to be considered as aggregates and allocations included in the budget resolution, pursuant to section 101 of H. Con. Res. 112.

Budget Aggregates

[On-budget amounts, in millions of dollars]

	Fiscal Year		
	2012	2013	2013–2022
Current Aggregates:			
Budget Authority ...	2,858,503	2,793,848	(1)
Outlays ...	2,947,662	2,891,589	(1)
Revenues ...	1,877,839	2,261,165	32,439,140
Change for the Small Business Tax Cut Act (H.R. 9):			
Budget Authority ...	0	0	(1)
Outlays ...	0	0	(1)
Revenues ...	0	−540	0
Revised Aggregates:			
Budget Authority ...	2,858,503	2,793,848	(1)
Outlays ...	2,947,662	2,891,589	(1)
Revenues ...	1,877,839	2,260,625	32,439,140

[1] Not applicable because annual appropriations Acts for fiscal years 2013 through 2022 will not be considered until future sessions of Congress.

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. 2072. An act to reauthorize the Export-Import Bank of the United States, and for other purposes.

H.R. 4967. An act to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 1 o'clock and 32 minutes a.m.), the House adjourned until today, Friday, May 18, 2012, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6048. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Quizalofop Ethyl: Pesticide Tolerances [EPA-HQ-OPP-2010-1018; FRL-9340-5] received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6049. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the Hawaii State Implementation Plan, Minor New Source Review Program [EPA-R09-OAR-2012-0213; FRL-9661-6] received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6050. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Toxics Release Inventory (TRI) Reporting for Facilities Located in Indian Country and Clarification of Additional Opportunities Available to Tribal Governments under the TRI Program [EPA-HQ-OEI-2011-0196; 9660-9] (RIN: 2025-AA31) received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6051. 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 Carolina; Annual Emissions Reporting [EPA-R04-OAR-2009-0140(b); FRL-9662-3] received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6052. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alabama: Removal of State Low-Reid Vapor Pressure Requirement for the Birmingham Area [EPA-R04-OAR-2012-0118; FRL-9662-4] received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6053. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia; Atlanta; Ozone 2002 Base Year Emissions Inventory [EPA-R04-OAR-2010-0021(a); FRL-9662-1] received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6054. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee; Regional Haze State Implementation Plan [EPA-R04-OAR-2009-0786; FRL-9663-6] received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6055. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Change of Address for Region 4, State and Local Agencies; Technical Correction [FRL-9660-3] received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6056. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Condition-Monitoring Techniques for Electric Cables Used in Nuclear Power Plants, Regulatory Guide 1.218 received April 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6057. A letter from the Special Inspector General for Iraq Reconstruction, transmitting seventh lessons learned report entitled ''Iraq Reconstruction: Lessons Learned from Investigations''; to the Committee on Foreign Affairs.

6058. A communication from the President of the United States, transmitting notification that an executive order has been issued declaring a national emergency with respect to the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the actions and policies of certain members of the Government of Yemen and others to threaten Yemen's peace, security, and stability; (H. Doc. No. 112—109); to the Committee on Foreign Affairs and ordered to be printed.

6059. A letter from the Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6060. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting a report on the progress of implementing the provisions of the Family Court Act; to the Committee on the Judiciary.

6061. A letter from the Administrator, 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-3335-EM, in the State of Maryland, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

6062. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Multiple Domestic, Alaskan, and Hawaiian Compulsory Reporting Points [Docket No.: FAA-2012-0129; Airspace Docket No. 12-AWA-1] received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6063. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Brooksville, FL [Docket No.: FAA-2012-0013; Airspace Docket No. 12-ASO-13] received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6064. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Bellefonte, PA [Docket No.: FAA-2011-1337; Airspace Docket No. 11-AEA-23] received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6065. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Area Navigation Route T-288; WY [Docket No.: FAA-2011-1193; Airspace Docket No. 11-ANM-14] received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6066. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Springfield, TN [Docket No.: FAA-2011-0591; Airspace Docket No. 11-ASO-26] received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6067. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Jacksonville, NC [Docket No.: FAA-2011-0556; Airspace Docket No. 11-ASO-21] received April 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6068. A letter from the Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) April 2012 Quarterly Report; jointly to the Committees on Foreign Affairs and Appropriations.

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. DREIER (for himself and Mr. BERMAN):

H.R. 5793. A bill to amend the Internal Revenue Code of 1986 to extend the election to treat the cost of qualified film and television productions as an expense which is not chargeable to capital account; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 5794. A bill to amend the Fair Debt Collection Practices Act to exempt a debt collector from liability when leaving certain voice mail messages for a consumer with respect to a debt as long as the debt collector follows regulations prescribed by the Bureau of Consumer Financial Protection on the appropriate manner in which to leave such a message, and for other purposes; to the Committee on Financial Services.

By Mr. KIND (for himself, Mr. LEVIN, Mr. RANGEL, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. LARSON of Connecticut, Mr. PASCRELL, Mr. CROWLEY, and Mr. STARK):

H.R. 5795. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on domestic manufacturing income to 20 percent; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa (for himself and Ms. ROS-LEHTINEN):

H.R. 5796. A bill to establish a common fund to pay claims to the Americans held hostage in Iran, and to members of their families, who are identified as class members in case number 1:08-CV-00487 (EGS) of the United States District Court for the District of Columbia, 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. CRAVAACK:

H.R. 5797. A bill to amend title 46, United States Code, with respect to Mille Lacs Lake, Minnesota, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MCDERMOTT (for himself and Mr. REICHERT):

H.R. 5798. A bill to amend the Export Enhancement Act of 1988 to improve export promotion activities, and for other purposes; to the Committee on Foreign Affairs, 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. LEWIS of Georgia (for himself, Mr. CLYBURN, Mr. HOYER, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. BACA, Ms. BASS of California, Mr. BECERRA, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BONAMICI, Ms. BORDALLO, Mr. BRALEY of Iowa, Ms. BROWN of Florida, Mr. BUTTERFIELD, Mr. CARNAHAN, 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. COURTNEY, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DEUTCH, Mr. DINGELL, Mr. DOYLE, Ms. EDWARDS, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FATTAH, Mr. FILNER, Ms. FUDGE, Mr. GONZÁLEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HAHN, Ms. HANABUSA, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KILDEE, Mr. KIND, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LEVIN, Ms. ZOE LOFGREN of California, Mr. LUJÁN, Mrs. MALONEY, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MEEKS, Mr. GEORGE MILLER of California, Ms. MOORE, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. PASCRELL, Mr. PETERS, Mr. PIERLUISI, Ms. PINGREE of Maine, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. RANGEL, Mr. REYES, Ms. RICHARDSON, Mr. RICHMOND, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Mr. SERRANO, Ms. SEWELL, Mr. SIRES, Mr. SMITH of Washington, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. TONKO, Mr. TOWNS, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WATT, Mr. WAXMAN, Mr. WELCH, Ms. WILSON of Florida, Ms. WOOLSEY, Mr. KEATING, and Mr. BISHOP of New York):

H.R. 5799. A bill to modernize voter registration, promote access to voting for individuals with disabilities, protect the ability of individuals to exercise the right to vote in elections for Federal office, and for other purposes; to the Committee on House Administration, and in addition to the Committees on the Judiciary, Science, Space, and Technology, Veterans' Affairs, Oversight and Government Reform, 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. BURGESS (for himself, Mr. GENE GREEN of Texas, Mr. CARTER, and Mr. THORNBERRY):

H.R. 5800. A bill to amend title XIX of the Social Security Act to provide for increased price transparency of hospital information and to provide for additional research on consumer information on charges and out-of-pocket costs; to the Committee on Energy and Commerce.

By Ms. RICHARDSON (for herself, Mr. CONYERS, Mr. CLARKE of Michigan, and Mr. KUCINICH):

H.R. 5801. A bill to provide interest-free deferment on unsubsidized student loans made to recent college students during periods when the national unemployment rate is above 7 percent and other periods of deferment; to the Committee on Education and the Workforce.

By Ms. RICHARDSON:

H.R. 5802. A bill to amend title 46, United States Code, to authorize use of port security grant funds for replacement of certain security equipment or facilities; to the Committee on Homeland Security.

By Ms. RICHARDSON:

H.R. 5803. A bill to amend title 46, United States Code, regarding port security grant funding for mandated security personnel, and for other purposes; to the Committee on Homeland Security.

By Ms. RICHARDSON:

H.R. 5804. A bill to amend the Homeland Security Act of 2002 to require the Administrator of the Federal Emergency Management Agency to provide guidance to and coordination with local educational agencies and school districts that are at high risk of acts of terrorism or other incidents, and for other purposes; to the Committee on Transportation and Infrastructure, 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 Mrs. CAPPS:

H.R. 5805. A bill to direct the Secretary of Labor to establish alternate guidelines for measuring the progress of State and local performance for entrepreneurial training services under the Workforce Investment Act of 1998; to the Committee on Education and the Workforce.

By Ms. RICHARDSON:

H.R. 5806. A bill to amend the Homeland Security Act of 2002 to require the Administrator of the Federal Emergency Management Agency to provide guidance and coordination for outreach to people with disabilities during emergencies, and for other purposes; to the Committee on Transportation and Infrastructure, 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 Ms. RICHARDSON:

H.R. 5807. A bill to require an audit of the extent to which regional FEMA offices are able to support coordinated and integrated Federal preparedness, protection, response, recovery, and mitigation capabilities to respond to an act of terrorism or other incident, 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. COSTELLO:

H.R. 5808. A bill to suspend temporarily the duty on certain horizontally-oriented lead shot machines; to the Committee on Ways and Means.

By Mr. COSTELLO:

H.R. 5809. A bill to suspend temporarily the duty on certain cupping machines; to the Committee on Ways and Means.

By Mr. COSTELLO:

H.R. 5810. A bill to suspend temporarily the duty on certain tool blocks; to the Committee on Ways and Means.

By Mr. COSTELLO:

H.R. 5811. A bill to suspend temporarily the duty on certain parts of cupping presses; to the Committee on Ways and Means.

By Mr. DEFAZIO:

H.R. 5812. A bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans; 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 Ms. HAHN:

H.R. 5813. A bill to amend the Small Business Act to provide for the establishment of the Ports as Small Business Incubators Program to provide eligible small businesses with access to commercial real property, and for other purposes; to the Committee on Small Business.

By Mr. HOLT:

H.R. 5814. A bill to amend the Help America Vote Act of 2002 to establish standards

for the publication of the poll tapes used in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. HOLT:

H.R. 5815. A bill to prohibit deceptive practices in Federal elections; to the Committee on the Judiciary.

By Mr. HOLT (for himself, Mr. ACKERMAN, Mr. ALTMIRE, Mr. ANDREWS, Mr. BECERRA, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BRALEY of Iowa, Ms. BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mr. CHANDLER, Mr. CLAY, Mr. COHEN, Mr. COSTELLO, Mr. COURTNEY, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DOGGETT, Mr. DOYLE, Ms. EDWARDS, Mr. ELLISON, Ms. ESHOO, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GARAMENDI, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HAHN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOLDEN, Mr. HONDA, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. KAPTUR, Mr. KEATING, Mr. KISSELL, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mrs. LOWEY, Mrs. MALONEY, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MEEKS, Mr. GEORGE MILLER of California, Ms. MOORE, Mr. MORAN, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. PALLONE, Mr. PERLMUTTER, Mr. PETERS, Ms. PINGREE of Maine, Mr. POLIS, Mr. RANGEL, Mr. RICHMOND, Mr. ROTHMAN of New Jersey, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHULER, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Mr. VAN HOLLEN, Mr. WALZ of Minnesota, Ms. WASSERMAN SCHULTZ, Mr. WATT, Mr. WAXMAN, Ms. WOOLSEY, Mr. BOSWELL, and Mr. HIMES):

H.R. 5816. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent paper ballot under title III of such Act, and for other purposes; to the Committee on House Administration, 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. LUETKEMEYER (for himself, Mr. WESTMORELAND, and Mr. GARRETT):

H.R. 5817. A bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual privacy notice requirement; to the Committee on Financial Services.

By Mr. MCDERMOTT:

H.R. 5818. A bill to suspend temporarily the duty on certain fitness equipment; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 5819. A bill to suspend temporarily the duty on certain suspension system stabilizer bars; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 5820. A bill to modify the provisions of the Harmonized Tariff Schedule of the United States relating to returned property; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 5821. A bill to provide for duty free treatment for certain United States Government property returned to the United States; to the Committee on Ways and Means.

By Mr. MEEHAN (for himself, Mr. KING of New York, Mr. ROGERS of Alabama, Mrs. MILLER of Michigan, Mr. MCCAUL, Mr. CRAVAACK, Mr. LONG, Mr. DANIEL E. LUNGREN of California, and Mr. DENT):

H.R. 5822. A bill to require a report on the designation of Boko Haram as a foreign terrorist organization, and for other purposes; to the Committee on the Judiciary.

By Mr. GARY G. MILLER of California (for himself, Ms. CHU, Mr. ROHRABACHER, Mr. CALVERT, Mrs. DAVIS of California, Mr. SHERMAN, and Mr. BACA):

H.R. 5823. A bill to prohibit the Federal Housing Finance Agency from disposing of certain real estate-owned of such Agency, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation, under the initiative of such Agency for bulk sales of real estate-owned; to the Committee on Financial Services.

By Mr. PIERLUISI (for himself, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. FALEOMAVAEGA, and Mr. SERRANO):

H.R. 5824. A bill to amend the Social Security Act to eliminate the cap on certain payments under the TANF program to Puerto Rico, the Virgin Islands, Guam, and American Samoa, and for other purposes; to the Committee on Ways and Means.

By Mr. WELCH (for himself and Mr. WALZ of Minnesota):

H.R. 5825. A bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize and improve the Rural Energy for America Program; to the Committee on Agriculture.

By Mr. WALBERG (for himself, Mr. WEBSTER, Mr. FORBES, Mr. HULTGREN, Mr. WILSON of South Carolina, Mr. LANKFORD, Mr. BROUN of Georgia, Mr. GINGREY of Georgia, Mr. HARRIS, Mrs. BLACKBURN, Mr. BUCHANAN, Mr. HENSARLING, Mr. ROE of Tennessee, Mr. BISHOP of Utah, Mr. HUIZENGA of Michigan, Mr. JONES, Mr. FRANKS of Arizona, Mr. PITTS, Mr. NEUGEBAUER, Mr. THOMPSON of Pennsylvania, Mr. STUTZMAN, Mr. GOHMERT, Mr. WEST, Mr. SOUTHERLAND, Mrs. NOEM, Mr. CARTER, Mr. OLSON, Mr. BILIRAKIS, Mr. AKIN, Mr. LAMBORN, Mr. MILLER of Florida, Mrs. HARTZLER, Mr. FLEMING, and Mr. SCALISE):

H. Res. 662. A resolution expressing support for prayer at school board meetings; 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. ENGEL (for himself and Mrs. LOWEY):

H. Res. 663. A resolution expressing support for the International Olympic Committee to recognize with a minute of silence at every future Olympics Opening Ceremony those who lost their lives at the 1972 Munich Olympics, and for other purposes; to the Committee on Foreign Affairs.

By Ms. FUDGE (for herself, Ms. MOORE, and Mr. MCGOVERN):

H. Res. 664. A resolution expressing the sense of the House of Representatives regarding funding for feeding assistance programs, especially those affecting children; to the Committee on Agriculture.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

209. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 211 urging the Congress to reject the Department of Defense's recommendations to remove the A-10 Thunderbolt II aircraft from the 127th Wing of the Air National Guard at Selfridge Air National Guard Base; to the Committee on Armed Services.

210. Also, a memorial of the Senate of the State of Arizona, relative to Senate Concurrent Memorial 1001 urging the Congress to adopt measures and policies contained in the Save Arizona's Forest Environment (SAFE) Plan; to the Committee on Natural Resources.

211. Also, a memorial of the Senate of the State of Arizona, relative to Senate Concurrent Memorial 1008 urging Congress to enact legislation exempting United States military bases from the regulations and restrictions of the Endangered Species Act; to the Committee on Natural Resources.

212. Also, a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 19 urging the Congress to approve a grant for a project at the I-275 and Ford Road Interchange; to the Committee on Transportation and Infrastructure.

213. Also, a memorial of the Senate of the State of Arizona, relative to Senate Concurrent Resolution 1014 supporting an increase in the United States Customs and Border protection personnel in the Tucson sector along the border between the United States and Mexico; to the Committee on Homeland Security.

214. Also, a memorial of the Senate of the State of Arizona, relative to Senate Concurrent Memorial 1003 urging the Congress to adequately fund the United States Forest Service; jointly to the Committees on Agriculture and Natural Resources.

215. Also, a memorial of the House of Representatives of the State of Arizona, relative to House Concurrent Memorial 2004 urging the Congress to enact legislation making monies collected under the federal gas tax immediately available to the individual states; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

216. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial 1080 urging the Congress to initiate and support nationwide efforts to commemorate the 40th anniversary of the end of the United States' involvement in the Vietnam War; jointly to the Committees on Armed Services, Veterans' Affairs, and Financial Services.

217. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial 1486 urging the Congress to pass H.R. 2918; jointly to the Committees on Foreign Affairs, the Judiciary, and Ways and Means.

218. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial 1778 urging the Congress to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010; jointly to the Committees on Financial Services, Agriculture, Energy and Commerce, the Judiciary, the Budget, Oversight and Government Reform, Ways and Means, and Small Business.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. DREIER:
H.R. 5793.
Congress has the power to enact this legislation pursuant to the following:
The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. FRANK of Massachusetts:
H.R. 5794.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution, Clause 3.

By Mr. KIND:
H.R. 5795.
Congress has the power to enact this legislation pursuant to the following:
Article I Section 8.

By Mr. BRALEY of Iowa:
H.R. 5796.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 and Clause 18 of the United States Constitution.

By Mr. CRAVAACK:
H.R. 5797.
Congress has the power to enact this legislation pursuant to the following:
Article IV, Section 3, Clause 2. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. McDERMOTT:
H.R. 5798.
Congress has the power to enact this legislation pursuant to the following:
Article 2, Section 8: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. LEWIS of Georgia:
H.R. 5799.
Congress has the power to enact this legislation pursuant to the following:
The authority for the introduction of this bill is Article I, Section 4, of the U.S. Constitution.

By Mr. BURGESS:
H.R. 5800.
Congress has the power to enact this legislation pursuant to the following:
The attached bill is constitutional under Article I, Section 8, Clause 3: ''To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes' as well as Article 1, Section 8, Clause 1: ''The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.''

By Ms. RICHARDSON:
H.R. 5801.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Ms. RICHARDSON:
H.R. 5802.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Ms. RICHARDSON:
H.R. 5803.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Ms. RICHARDSON:
H.R. 5804.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mrs. CAPPS:
H.R. 5805.
Congress has the power to enact this legislation pursuant to the following:
The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution.

By Ms. RICHARDSON:
H.R. 5806.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Ms. RICHARDSON:
H.R. 5807.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mr. COSTELLO:
H.R. 5808.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 1 of the Constitution of the United States.

By Mr. COSTELLO:
H.R. 5809.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 1 of the Constitution of the United States.

By Mr. COSTELLO:
H.R. 5810.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 1 of the Constitution of the United States.

By Mr. COSTELLO:
H.R. 5811.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 1 of the Constitution of the United States.

By Mr. DEFAZIO:
H.R. 5812.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1 and Clause 3 of the U.S. Constitution.

By Ms. HAHN:
H.R. 5813.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mr. HOLT:
H.R. 5814.
Congress has the power to enact this legislation pursuant to the following:
Article 1 of the U.S. Constitution.

By Mr. HOLT:
H.R. 5815.
Congress has the power to enact this legislation pursuant to the following:
Article 1 of the U.S. Constitution.

By Mr. HOLT:
H.R. 5816.
Congress has the power to enact this legislation pursuant to the following:
Article 1 of the U.S. Constitution.

By Mr. LUETKEMEYER:
H.R. 5817.
Congress has the power to enact this legislation pursuant to the following:
The constitutional authority on which this bill rests is the explicit power of Congress to regulate commerce in and among the states, as enumerated in Article 1, Section 8, Clause 3, the Commerce Clause, of the United States Constitution.
Additionally, Article 1, Section 7, Clause 2 of the Constitution allows for every bill passed by the House of Representatives and the Senate and signed by the President to be codified into law; and therefore implicitly allows Congress to repeal any bill that has been passed by both chambers and signed into law by the President.

By Mr. McDERMOTT:
H.R. 5818.
Congress has the power to enact this legislation pursuant to the following:
Article 2, Section 8: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. McDERMOTT:
H.R. 5819.
Congress has the power to enact this legislation pursuant to the following:
Article 2, Section 8: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. McDERMOTT:
H.R. 5820.
Congress has the power to enact this legislation pursuant to the following:
Article 2, Section 8: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. McDERMOTT:
H.R. 5821.
Congress has the power to enact this legislation pursuant to the following:
Article 2, Section 8: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. MEEHAN:
H.R. 5822.
Congress has the power to enact this legislation pursuant to the following:
This legislation is authorized by the United States Constitution under Article I, Section 8, ''Congress shall have the power . . . To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;''

By Mr. GARY G. MILLER of California:
H.R. 5823.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 (relating to the power to regulate interstate commerce).

By Mr. PIERLUISI:

H.R. 5824.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of the Congress to provide for the general welfare of the United States, as enumerated in Article I, Section 8, Clause 1 of the United States Constitution; to make all laws which shall be necessary and proper for carrying into execution such power, as enumerated in Article I, Section 8, Clause 18 of the Constitution; and to make rules and regulations respecting the U.S. territories, as enumerated in Article IV, Section 3, Clause 2 of the Constitution.

By Mr. WELCH:

H.R. 5825.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

ADDITIONAL SPONSORS

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

H.R. 139: Ms. BONAMICI.
H.R. 420: Mr. LOBIONDO.
H.R. 498: Mr. GARDNER.
H.R. 709: Ms. KAPTUR.
H.R. 721: Mr. RUPPERSBERGER.
H.R. 733: Mr. HARRIS.
H.R. 808: Mr. GRIJALVA and Mr. HASTINGS of Florida.
H.R. 885: Mr. NEAL.
H.R. 891: Mr. CONNOLLY of Virginia.
H.R. 904: Mr. WALZ of Minnesota and Ms. HOCHUL.
H.R. 930: Mr. RUNYAN.
H.R. 1005: Mr. CASSIDY.
H.R. 1048: Mr. VAN HOLLEN, Mr. CAPUANO, Mr. TOWNS, and Ms. BERKLEY.
H.R. 1063: Mr. DUFFY.
H.R. 1190: Mr. NADLER.
H.R. 1208: Mr. RANGEL.
H.R. 1244: Mr. WALDEN.
H.R. 1288: Mr. PASCRELL.
H.R. 1370: Mr. LANKFORD.
H.R. 1397: Mr. DAVID SCOTT of Georgia.
H.R. 1418: Mr. DAVIS of Illinois.
H.R. 1489: Mr. KILDEE.
H.R. 1521: Ms. RICHARDSON, Mr. FILNER, Ms. EDWARDS, and Mr. DAVID SCOTT of Georgia.
H.R. 1623: Mr. FILNER.
H.R. 1639: Mr. FORBES.
H.R. 1648: Mr. DAVID SCOTT of Georgia and Mr. MATHESON.
H.R. 1792: Mr. MILLER of North Carolina.
H.R. 1936: Mr. LATTA.
H.R. 1956: Mr. BUCHANAN, Mr. HALL, Mr. SCHOCK, Ms. GRANGER, Mr. POE of Texas, and Mrs. EMERSON.
H.R. 1957: Mr. MEEHAN.
H.R. 1971: Mr. CONNOLLY of Virginia.
H.R. 2030: Mr. JOHNSON of Georgia.
H.R. 2069: Mr. CONNOLLY of Virginia.
H.R. 2077: Mr. HARPER.
H.R. 2088: Mr. BERMAN.
H.R. 2364: Mr. BERMAN.
H.R. 2382: Mr. ROYCE and Mr. MANZULLO.
H.R. 2479: Mr. TIERNEY.
H.R. 2569: Mrs. CAPITO, Mr. WALSH of Illinois, and Mr. SCHILLING.
H.R. 2696: Ms. ZOE LOFGREN of California.
H.R. 2730: Mr. DAVIS of Illinois and Mr. RANGEL.
H.R. 2758: Mr. MORAN.
H.R. 2985: Mr. COBLE.
H.R. 3086: Ms. LEE of California and Ms. BORDALLO.
H.R. 3091: Mr. STIVERS.
H.R. 3159: Mr. TOWNS.
H.R. 3173: Mr. SIRES, Mr. LOBIONDO, and Mr. GUINTA.
H.R. 3187: Mr. HENSARLING, Mr. DONNELLY of Indiana, and Mr. SHUSTER.
H.R. 3192: Mr. CICILLINE.
H.R. 3199: Mr. RUNYAN.
H.R. 3252: Mr. HIGGINS.
H.R. 3395: Mr. BARLETTA, Mr. RIGELL, Mr. MEEHAN, Ms. MOORE, Mr. HINCHEY, and Mr. BENISHEK.
H.R. 3415: Mr. FILNER.
H.R. 3423: Mr. LOEBSACK, Ms. ROYBAL-ALLARD, Mr. NADLER, Mr. BERMAN, and Mr. SERRANO.
H.R. 3461: Mr. DESJARLAIS, Mr. BROUN of Georgia, and Mr. STEARNS.
H.R. 3497: Mr. HARPER and Mr. LUETKEMEYER.
H.R. 3619: Ms. NORTON, Mr. MCDERMOTT, Mr. TOWNS, and Mr. RANGEL.
H.R. 3643: Mr. CICILLINE and Mr. CARTER.
H.R. 3709: Mr. GARAMENDI.
H.R. 3728: Mr. CARTER.
H.R. 3761: Ms. LEE of California.
H.R. 3767: Mr. CICILLINE.
H.R. 3798: Ms. BONAMICI and Mr. GARAMENDI.
H.R. 3993: Ms. BONAMICI.
H.R. 4066: Mr. THOMPSON of California.
H.R. 4070: Mr. SCHILLING.
H.R. 4091: Mr. DUNCAN of South Carolina, Mr. ANDREWS, Mr. SIRES, Mr. CONNOLLY of Virginia, and Mr. TONKO.
H.R. 4103: Mr. GRIJALVA and Mr. LANGEVIN.
H.R. 4122: Mr. LANGEVIN, Mr. BILIRAKIS, and Mr. KEATING.
H.R. 4152: Mr. CHAFFETZ and Mr. FITZPATRICK.
H.R. 4154: Mr. DOYLE, Mr. LARSEN of Washington, and Mr. REED.
H.R. 4165: Mr. CHABOT and Mr. LOEBSACK.
H.R. 4180: Mr. NEUGEBAUER, Ms. FOXX, and Mr. BROUN of Georgia.
H.R. 4232: Ms. HOCHUL.
H.R. 4269: Mr. HALL.
H.R. 4271: Mr. JOHNSON of Georgia.
H.R. 4278: Mr. STEARNS.
H.R. 4296: Mr. KEATING, Mr. TIERNEY, Mr. ROSS of Florida, Mrs. BLACKBURN, Mr. ROE of Tennessee, Mr. DESJARLAIS, Mr. HUIZENGA of Michigan, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, and Mr. WALBERG.
H.R. 4306: Mr. STARK.
H.R. 4336: Mr. BURTON of Indiana, Mr. GRIFFIN of Arkansas, and Mr. LOBIONDO.
H.R. 4341: Mr. CARNAHAN.
H.R. 4345: Mr. KING of Iowa, Mr. SMITH of Nebraska, and Mrs. BACHMANN.
H.R. 4350: Mr. GRIMM, Mr. DEUTCH, Mr. MORAN, and Mrs. NAPOLITANO.
H.R. 4367: Mrs. CAPITO, Mr. MANZULLO, and Mr. TERRY.
H.R. 4483: Mr. SCOTT of Virginia and Ms. LEE of California.
H.R. 4816: Mr. SCOTT of Virginia and Mr. RYAN of Ohio.
H.R. 4971: Mr. HALL.
H.R. 5044: Mr. TURNER of Ohio, Mr. JORDAN, Mr. ROHRABACHER, and Mr. LUETKEMEYER.
H.R. 5186: Ms. ESHOO.
H.R. 5188: Ms. WOOLSEY.
H.R. 5646: Mr. MILLER of Florida.
H.R. 5648: Mr. SCHRADER.
H.R. 5684: Ms. MCCOLLUM, Mr. HASTINGS of Florida, and Mr. RYAN of Ohio.
H.R. 5691: Mr. COHEN.
H.R. 5720: Mr. LOEBSACK.
H.R. 5738: Mr. BENISHEK.
H.R. 5742: Ms. KAPTUR, Mr. RIVERA, Mr. DEFAZIO, Mr. FARR, Mr. CARSON of Indiana, Mr. PASCRELL, and Mr. COURTNEY.
H.J. Res. 53: Mr. HALL.
H.J. Res. 108: Mr. SESSIONS.
H. Con. Res. 107: Mr. BENISHEK and Mr. GOHMERT.
H. Con. Res. 122: Mr. LUETKEMEYER.
H. Res. 25: Mr. RIVERA.
H. Res. 239: Mr. WALZ of Minnesota.
H. Res. 282: Mr. SCHRADER.
H. Res. 568: Mr. CLAY.
H. Res. 577: Mr. HUIZENGA of Michigan, Mr. LATTA, and Mr. SMITH of Nebraska.
H. Res. 623: Mr. CARDOZA and Mr. MATHESON.
H. Res. 646: Mr. FORTENBERRY.
H. Res. 654: Ms. LORETTA SANCHEZ of California.

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PROCEEDINGS AND DEBATES OF THE *112th* CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Eternal Savior, like a shepherd lead us, much we need Your tender care. Lead our Senators today away from cautious complacency and from impulses which can bring regrets. Lead them toward the freedom that trusts Your providence and believes that in everything You work for the good of those who love You.

Lord, give us all, by Your grace, pure hearts that love only the highest and clean minds that seek only the truth. Let nothing deflect us from Your path so we will always follow You and never lose our way.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 17, 2012.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

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

THE FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 400.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 400, S. 3187, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

Mr. REID. Mr. President, we are now on the motion to proceed to FDA user-fees legislation.

I ask unanimous consent that following my remarks and those of the Republican leader, the time until 10:30 a.m. be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

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

Mr. REID. Mr. President, at 10:30 a.m. today the Senate will proceed to executive session to consider the Stein and Powell nominations, both nominees to the Board of Governors at the Federal Reserve system. At noon, there will be two votes on the confirmation of their nominations. At this stage, there likely will be no more votes after that, but we will keep everyone advised as to what is going to happen.

Mr. President, when someone we love gets sick, the only thing on your mind is how to help them get well, how to get them the care they need.

But before every miracle drug or innovative new device comes to market, there is a rigorous approval process to make sure that device or that medicine is going to be safe. To get lifesaving drugs and devices to the patients who need them as quickly and efficiently as possible, Congress must give the Food and Drug Administration the tools it needs to review and approve these products. Today the Senate will begin consideration of legislation which gives FDA the resources to ensure medical devices, drugs, and treatments are safe and effective.

I applaud the work of my colleagues Senator HARKIN and Senator ENZI to bring this legislation to the floor. These two fine Senators have different political philosophies on things generally, but they work well on this committee and I am very proud of each of them. I consider them both friends. And bringing this bill to the floor in the manner they did is indicative of the work that needs to be done around here more often. So I hope to see the strong bipartisan effort these two Senators began continue as the Senate considers this important legislation.

The Food and Drug Administration Safety and Innovation Act authorizes the FDA to charge manufacturers of new medical devices user fees. These fees are used to ensure their products are reviewed quickly and thoroughly before they are approved. But this legislation does more than maintain the status quo; it also enacts crucial reforms that will prevent drug shortages

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

and bring the lifesaving medicines to market more quickly, it will save high-tech jobs in the medical field, make new treatments available to patients quickly, and preserve America's role as a global leader in biomedical innovation.

The legislation will expedite the processes of approving new drugs and medical devices—including many designed for children—while ensuring these products are safe for consumers. It will help spur the innovations that bring the next groundbreaking cancer or Parkinson's drug to market.

The bill will hold foreign manufacturers who sell drugs in the United States to the same high standards met by American companies. This is extremely important because of all the misleading attempts by these manufacturers to sell them on the Internet.

It will help prevent drug shortages by opening the lines of communication between manufacturers and the FDA. The Senator from Minnesota, Senator KLOBUCHAR, and the junior Senator from Pennsylvania, Senator CASEY, have been leaders in this drug shortage issue, and I applaud them. They are doing this to safeguard Americans' health. Every day hospitals across the country experience shortages of lifesaving FDA-approved drugs and treatments.

As most Senators know, my wife has been ill with cancer and she had 20 weeks of chemotherapy. Every week, we were worried that the drugs wouldn't be there on that Monday morning at noon when she got those treatments. Fortunately for us, they were. But that isn't the way it is with everyone around the country. People who need these lifesaving medications have found those medicines not available, and we have to do everything we can to stop that.

These shortages threaten public health and prevent patients from getting the care they need. The shortage of one drug used to treat a rare form of childhood leukemia—a drug that is an effective cure in 90 percent of those cases—has literally put young lives at risk by not having those drugs. And when I say a 90-percent cure rate, it is amazing. One of my high school buddies had a son who was playing Little League baseball. Running around the bases, he couldn't do it. This was a macho family with all these tough boys in the family, and they were concerned that he was not being as aggressive as he should be. He had leukemia, and this boy died. There was nothing they could do for him. He died. Now 90 percent of these cases are cured.

I have spoken on the floor before—others have—there is one form of leukemia that has been almost stopped in its tracks by the scientists discovering a bush called periwinkle, and they use the products from that little weed to cure cancer.

We need to do everything we can to make sure these lifesaving drugs are available. No mother or father should have to watch a child suffer as he waits for a lifesaving medicine. But as the number of drug shortages increases each year, more parents wait and worry; more husbands and wives and daughters and sons wait and worry.

In 2005, the FDA reported shortages of 55 medications. Last year, the number jumped to 231, including the leukemia drug I mentioned and some chemotherapy medicines. These shortages are caused by a variety of factors: problems with factories, limited manufacturing capacity, or lack of raw materials.

Another thing we have learned is the manufacturers of these products want to be able to sell everything. They don't want to waste valuable money on storing medicines. One of the big businesses that used to be in America is warehouses storing things. In Reno, NV, we were a big warehouse storage area because we had no tax on storage. But anymore, there is not as much being stored because manufacturers determined that is a waste of money. That is one of the things that happened with these pharmaceuticals.

Some, though, are caused by a lack of financial incentive—or profit motive is what it is. There is nothing wrong with that, but companies simply don't manufacture enough because they don't make enough money.

Public awareness and pressure have prompted drugmakers to voluntarily notify the FDA of any impending shortages, preventing almost 200 more shortages last year than I just talked about. But Congress can, and must, do more to improve communication with drugmakers, the FDA, and hospitals providing this crucial care.

Passing this legislation without delay will be a leap forward in that process. That is why last night I said—and I say today—I hope we don't have to file cloture on a motion to proceed to this lifesaving legislation. Let's get on this legislation. If we have to vote on cloture on this Monday, then we can't get on this until Wednesday and start legislating. How foolish.

We will have amendments. I have had a number of Republican Senators come to me and say, We want to be able to offer amendments, relevant amendments. Good. Let's do it. If someone has a problem with this bill, don't stop us from going to it; offer an amendment. If it is a worthy cause, we will vote with him or her and get rid of what is in that legislation. But don't hold up the legislation.

I would hope my Republican colleagues talk to one of the Senators who is holding us up and say, Don't do that; it is making us, the Republicans, look bad. And it does.

I hope we can get on this legislation and work to make the health care delivery system in America more effective and efficient.

Would the Chair announce the business of the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 will be equally divided between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Kansas is recognized.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as if in morning business.

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

SECOND AMENDMENT SOVEREIGNTY ACT

Mr. MORAN. Mr. President, our Nation's Founding Fathers amended the U.S. Constitution more than two centuries ago to guarantee a bill of rights for its citizens. Since then, our democracy has stood strong and Americans have enjoyed liberties and freedoms unparalleled in the world, including the fundamental right to keep and bear arms guaranteed by the second amendment to the U.S. Constitution.

Today our freedoms and our country's sovereignty are in danger of being undermined by the United Nations. To ensure our liberties remain for generations, today and for the future, I am offering legislation to protect the rights of American gun owners from the effects of any U.N. arms treaty.

In October of 2009, at the U.N. General Assembly, the Obama administration voted for the United States to participate in negotiating an arms trade treaty—a reversal of the previous administration's position. This treaty is supposedly intended to establish ''common international standards for the import, export and transfer of conventional arms,'' including tanks, helicopters, and missiles. However, by threatening to include civilian firearms within its scope, the arms trade treaty would restrict the lawful private ownership of firearms in our country. Whether that is true depends upon what the treaty actually says.

Less than 2 months from now, the U.N. Conference on Arms Trade Treaty will take place in New York, and that presumably will determine the language that is ultimately included as the treaty will be finalized for its adoption.

Given where the process stands today, I am concerned that this treaty will infringe upon the second amendment rights of American gun owners. I am also concerned it will be used by other countries that do not share our freedoms to wrongly place the burden of controlling international crime and terrorism on law-abiding American citizens.

Currently, proposals being considered by the preparatory committee at the U.N. would adversely affect U.S. citizens. I have several concerns with these proposals. First, there have been regular calls for bans or restrictions on the civilian ownership of guns Americans use to hunt, target shoot and defend themselves.

Second, by requiring firearms to be accounted for throughout their lifespan, the Arms Trade Treaty could

lead to nationwide gun registration. This despite evidence that the costly bureaucratic system has been a complete failure in solving any crimes or stopping criminals from getting access to guns everywhere it's been tried.

Third, other proposals could require the marking and tracking of all ammunition, including ammunition for civilian sale and use.

To make sure that our country's sovereignty and the rights of American gun owners are protected as the administration negotiates this treaty, I have sponsored S. 2205, the Second Amendment Sovereignty Act. This legislation is simple.

First, it says that the administration cannot use the ''voice, vote and influence of the United States'' to negotiate a treaty that in any way restricts the second amendment rights of American citizens. This is a commonsense requirement that even the Obama administration maintains.

In an August letter I received from the U.S. State Department, they wrote:

> The Administration will not agree to a treaty that will infringe on the constitutional rights of American citizens . . . We will not agree to treaty provisions that would alter or diminish existing rights of American citizens to manufacture, assemble, possess, transfer, or purchase firearms, ammunition, and related items.

This bill will hold them to that pledge.

Second, S. 2205 specifically prohibits the administration from seeking to negotiate a treaty that regulates the domestic manufacture, possession, or purchase of firearms and ammunition. In other words, this bill seeks to maintain the sovereignty of our laws within our borders. U.N. member states regularly argue that no treaty controlling the transfer of arms internationally can be effective without controls on transfers inside a country's own borders. This is unacceptable.

Again, the administration claims to agree, saying it ''will oppose any effort to address internal transfers.'' Congress should hold them to this pledge. At stake is our country's autonomy and the rights of American citizens protected under the Constitution.

More specifically, this legislation seeks to ensure that U.S. citizens will not be subjected to restrictions on the use or possession of civilian firearms and ammunition. It prohibits the administration from negotiating a treaty that would result in domestic regulations on civilian firearms like hunting rifles that are often mischaracterized as ''military weapons,'' ''small arms,'' or ''light arms.'' Civilian firearms must be excluded from the Arms Trade Treaty.

Preparatory committee meetings have made it clear that many U.N. member states aim to craft an extremely broad treaty that includes civilian firearms within its scope. For example, Mexico and several countries in Central and South America have called for the treaty to cover ''all types of conventional weapons (regardless of their purpose), including small arms and light weapons, ammunition, components, parts, technology and related materials.''

If those provisions were included in a treaty, that treaty would be incredibly difficult to enforce, and would pose dangers to all U.S. businesses and individuals involved in any aspect of the firearms industry, from manufacturers to dealers to consumers.

I urge my colleagues in the Senate to adopt this commonsense legislation. On July 22 of last year, 57 U.S. Senators joined me in reminding the Obama administration that our firearm freedoms are not negotiable.

We notified President Obama and Secretary of State Clinton of our intent to oppose ratification of a treaty that in any way restricts Americans' second amendment rights. Our opposition is strong enough to block the treaty from passage, as treaties submitted to the U.S. Senate require two-thirds approval to be ratified.

As the treaty process continues, the Second Amendment Sovereignty Act seeks to further reinforce to the administration that our country's sovereignty and firearm freedoms must not be infringed upon by an international organization made up of many countries with little respect for gun rights. America leads the world in export standards to ensure arms are transferred for legitimate purposes and my bill will make certain that law-abiding Americans are not wrongfully punished.

In the days ahead, I will continue to work with my colleagues to ensure an Arms Trade Treaty—if negotiations result in one—that undermines the Constitutional rights of American gun owners is dead on arrival in the Senate.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today, as I have week after week since the President's health care law was signed, to talk as a doctor, someone who has taken care of patients all around Wyoming, someone who has run the Wyoming health fairs, giving low-cost medical screenings to thousands of citizens around our State, and someone who knows we need health care reform in a way that gives patients the care they need from the doctor they want at a cost they can afford. There were so many promises made with this health care law that I come week after week because there are so many broken promises.

Today I want to remind the body that the former Speaker of the House, NANCY PELOSI, once predicted that the health care reform ''will create 4 million jobs; 400,000 jobs almost immediately.'' It is now 2 years later, and we know that actually the exact opposite is happening. We continue with high unemployment. We continue with people out of work, unemployed, underemployed, and the promise both from the President of new jobs and of NANCY PELOSI of 4 million jobs is another broken promise. Instead of creating jobs, this new law is destroying jobs all across the country. You say, how is it they can actually be destroying jobs? That is exactly what we are seeing as a result of the health care law.

Recently, columnist George Will wrote about how the President's law will impact Cook Medical. It is the world's largest family-owned medical devices company. He explained in his column that the Democratic Congress ''included in the legislation''—and all the people on that side of the aisle voted for this—''included in the legislation a 2.3 percent tax on gross revenue''—that is not profits, that is gross revenue—''which generally amounts to about a 15 percent tax on most manufacturing profits—from U.S. sales in medical devices beginning in 2013.'' So it is something that is happening very soon. ''This will be piled,'' as he said, ''on top of the 35 percent federal corporate tax, and state and local taxes.''

Mr. Will went on to say that this 2.3 percent tax will be a $20 billion blow to an industry that employs more than 40,000 people, and $20 billion is almost double the industry's annual investment in research and development.

We want them to do research. We want development. We want new and innovative treatments that will actually help people. Instead, this administration—the Democrats in Congress in the House and the Senate and the President of the United States—put on a 2.3-percent tax, a $20 billion blow to those who do the research and the development. This tax is going to lead to ''fewer jobs but also fewer pain-reducing and life-extending inventions—stents, implantable defibrillators—which all have reduced health care costs.''

That is a quote from the article.

Cook Medical is not the only medical device company that is bracing for the President's new penalty on jobs and innovation. In fact, let's take a look at some of those.

Boston Scientific is planning for more than a $100 million charge against earnings in 2013. They recently built a $35 million research and development facility. This is called Boston Scientific—Boston. Where did they build their research center? Ireland. And they are building a $150 million factory called Boston Scientific in China. That is as a result of what we see with this health care law and the impact of what this administration is doing to jobs in America.

Stryker Corporation, based in Michigan, blames the tax for 1,000 layoffs.

Zimmer, based in Indiana, is laying off 450 and taking a $50 million charge against earnings related to this tax.

These are companies that, as an orthopedic surgeon, I say have made new advances in technologies, in artificial joints over the years I have practiced in Wyoming. These are companies that have longstanding reputations. Yet they are laying off people because of the new Medicare law—American workers.

Medtronic expects an annual charge against earnings of $175 million.

Other companies—Covidien, now based in Ireland, has cited the tax in explanation of 200 layoffs and a decision to move production to Costa Rica and to Mexico.

Once again, the column by Mr. Will makes it clear that the President's health care law is destroying jobs and is having a devastating impact on our economy.

In March, Senator COBURN and I released our third health care law oversight report. We entitled the report ''Warning: Side Effects, A Check-Up on the Federal Health Law.'' One chapter in our report is dedicated to the health care law's job-killing Medicare device tax. It is a tax the analyses predict will negatively impact job creation and also—incredibly important for people around this country—will stifle medical innovation.

As an orthopedic surgeon, I can tell you that I have seen firsthand how cutting-edge technology saves lives and also supports jobs across the country. Scientists have invented medical devices, such as pacemakers, defibrillators, and artificial joints, that have improved the quality of life for so many Americans. But now, today, because of this health care law, the future of the medical device industry in America is under attack. In September of 2011, the Manhattan Institute issued a report showing the devastating impact the President's device tax will have on industry. The Manhattan Institute's report shows the medical device tax will eliminate at least 43,000 American jobs. This number represents more than 1 out of every 10 jobs in the device manufacturing sector. It is not a record the Democrats should be proud of, but it is clearly a record caused by the other side of the aisle, the Democrats, and specifically the President who signed this bill into law.

Not only will this tax kill 43,000 jobs, workers are going to lose about $3.5 billion in wages. This is money these workers could have spent in their local communities to help the economy of those communities and, therefore, the Nation's economy.

So what does all this mean to U.S. device manufacturers? Well, these companies are more likely to close their plants in the United States. They will close the plants here and do what others have done: replace them with plants overseas. Foreign manufacturers will improve their competitiveness compared to American firms. This will severely threaten U.S. leadership in the device industry and in the world. Do we want to see plants closing at high-tech medical device research facilities in States such as Massachusetts, Pennsylvania, Minnesota, New Jersey, New York, and Wisconsin?

Finally, the President's medical device tax is going to increase costs to American consumers. These are the American consumers who said what they wanted with the health care law is care they need, the doctor they want, at a price they can afford. Yet this health care law is going to increase costs to American consumers. The Congressional Budget Office has warned that the health care law's tax imposed on medical device manufacturers and drug manufacturers and health insurance providers would be passed through to the consumers in the form of higher insurance premiums. Wasn't it the President who promised that under his health care law insurance premiums would lower by $2,500 a year? Is that a promise the President and Democrats in Congress have forgotten? The American people have not forgotten, which is why the health care law is even more unpopular today than the day it was signed into law.

The administration's own Medicare Chief Actuary, Richard Foster, came to the same conclusion. He estimated these taxes could be passed through to health care consumers in the form of higher drug prices, higher device prices, and higher insurance premiums.

If the administration wants to get serious—and I wonder if this administration wants to get serious—about reducing regulatory burdens and creating good jobs, then the President should start today by repealing his onerous medical device tax. Not only will this device tax suppress job creation and limit economic growth, it will also slow, and perhaps even stop, research and development into new lifesaving medical devices.

We must take action to repeal this anticompetitive, job-destroying device tax before it begins to take effect in 2013. If the White House wants to work with Republicans on progrowth policies, policies that support innovation, policies that get the Nation's economy moving again, then President Obama would support repealing this device tax.

Senator ORRIN HATCH has introduced legislation, S. 17, that would do just that. I am proud to be a cosponsor of that bill, and I believe the Senate should take up the Hatch bill and pass it.

As we are now 2 years after the passing and signing into law of the President's health care law, I will continue to come to the Senate floor because this is a health care law that is bad for patients, it is bad for providers, the nurses and the doctors who take care of those patients, and it is terrible for the American taxpayers. We need to repeal and replace this broken health care law.

Thank you, Mr. President.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll

The assistant legislative clerk called the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The minority leader is recognized.

TIME TO ACT

Mr. MCCONNELL. Mr. President, yesterday in the Senate we got a vivid look at why the challenges we face in this country are so difficult to address. With a looming fiscal crisis some have called the most predictable in history, with a national debt at a level none of us ever even imagined, with millions unemployed and millions more underemployed, with the biggest tax hike in history looming at the end of the year, and with entitlement programs such as Medicare and Social Security drawing ever closer to insolvency, here is what Senate Democrats did yesterday: They ducked. They were presented with five different options for dealing with these problems and they voted against every single one of them.

No one was particularly surprised to see Democrats reject the Republican proposals. We hoped some of them would support them, but we weren't altogether surprised they didn't. But every American should be surprised that Democrats didn't offer a single plan of their own, and they didn't even support the plan offered by the President of their own party. But, sadly, that is what passes for leadership in the Democratic-led Senate these days: Oppose everybody else—including a President of your own party—and hope nobody notices you are not doing anything yourself. Most people would say it is the responsibility of the party in power to propose solutions, and they would be right.

The problems we face are simply too serious and too urgent to avoid any longer, and yet Democrats continue to duck any responsibility for addressing them. We certainly saw that yesterday. I would imagine there are some Democrats this morning who are having second thoughts about their party's performance yesterday. And if I am right about that, I would invite them to stand and work with us. Put aside what is politically safe and do what is right. The problems we face are too great to put off for another day. It is time for all of us to come together and to act.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk called the roll.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FEDERAL RESERVE NOMINATIONS

Mr. VITTER. Mr. President, I come to the Senate floor to debate and oppose the two Federal Reserve nominees President Obama has sent to the Senate. First, let me say I think it is very important, very good, very healthy that we are having this debate and we are having these votes. That is how the Senate should operate, particularly on very important Presidential nominations, and these certainly fit into that category.

The Federal Reserve is an extremely important body for all sorts of reasons, but I will mention three in particular. First of all, it sets monetary policy, and that is a very important economic tool and set of economic policies. Right now this Federal Reserve, under Chairman Bernanke, has an unprecedented policy of zero-interest rates—easy money for an extended period of time—which is historically unprecedented.

Secondly, the Federal Reserve is the primary regulator of our Nation's biggest banks, including Bank of America, Citigroup, Wells Fargo, and another that has been in the news quite a bit in the last few weeks, JPMorgan Chase. Obviously, all of these entities were involved in the recent economic crisis, so, again, the Federal Reserve is extremely important as those megabanks' primary regulator. We should be talking about that.

Finally, the Federal Reserve has other important authority and responsibilities, including in situations where they have taken action to bail out these megabanks. They have that authority. They also have authority to issue regulations under Dodd-Frank. All of these points are reasons why these two nominations are extremely important. That is why I demanded this debate and these votes.

Fundamentally, I demanded this debate and these votes for two reasons. First of all, I oppose these nominations. I am voting no. There was a UC promulgated, and that UC, had it been accepted, would have meant a ''yes'' vote for me. I couldn't vote that way for the reasons I will explain.

Secondly, more broadly, I think it is important we have this debate and we have these votes, and this used to be the norm in the Senate. Between 1994 and 2000, all but two nominations to the Federal Reserve Board were voted on by the Senate. Yet since 2001 that has flipped, for some reason. Since 2001, only two nominees have received votes and 10 nominees were confirmed to the Board of Governors without a recorded vote. I think that is unfortunate. I think this is the proper way for the Senate to do its business, particularly when such important issues are at stake.

Now let's talk about those issues.

First of all, monetary policy. The Federal Reserve's primary responsibility—one of its two huge mandates—is to set healthy, proper monetary policy for the United States. Personally, I think that should be its only mandate—there are efforts here in the Congress to move the law to that position—but it certainly is a major role of the Federal Reserve and is extremely important.

Once more, this Federal Reserve, under Chairman Bernanke, in this economy has set monetary policy in an unprecedented way, and that is not editorializing. That is a factual assessment, a factual description. Because this Federal Reserve has set essentially a zero-interest rate policy, an extremely easy money policy for an extended period of time, a very long period of time, without any end in sight, and that has never before happened.

There are many experts, economists, and commentators who think this is very dangerous policy, and I share their concerns. I do not pretend to be an expert, as they are. I do not pretend, quite frankly, to have the economic training and background of Chairman Bernanke and others. But many of those who do have grave concerns with this unprecedented easy money policy. Let me mention a few.

Dr. Allan Meltzer, a professor at Carnegie Mellon University, sees signs of this building up future inflation and a weakening dollar and believes the Fed did great harm in these categories with its Quantitative Easing 2, so-called QE2. Dr. Meltzer has read Fed minutes for years and has written the definitive ''History of the Federal Reserve'' and says the central problem is there is a lack of discussion of alternatives and consequences of their policies.

Federal Reserve Bank of Kansas City President Thomas Hoenig said the Fed's plan to push down long-term interest rates may produce very adverse accidental outcomes and policymakers risk creating real ''imbalances'' in the economy. He said:

> I have real concerns about trying to fine-tune and micro-manage the economy when monetary policy is a blunt tool.

Richard Fisher of Dallas said he believes the Federal Reserve's monetary policy has yet to show evidence of working. He is the Federal Reserve Bank of Dallas president. He says in particular, the Fed's plan to buy $400 billion of long-term bonds while selling the same amount of short-term debt is benefiting financiers and not aiding job creation.

Philadelphia Fed President Charles Plosser, in a speech on economic outlook to the Business Leaders Forum at the Villanova School of Business, expressed extreme skepticism with that so-called Operation Twist, trading long-term debt for short-term debt, and he did not think it would encourage business investment or consumer spending. He said:

> I dissented from these decisions because I believe that they will do little to improve the near-term prospects for economic growth or employment and they do pose risks.

So there are very legitimate, strong concerns which I share on the current monetary policy of this Federal Reserve, and it is very clear from the statements of these two nominees that these two nominees will support that policy, will support that direction for the foreseeable future, will not provide dissent, will not provide alternative viewpoints.

In addition, let me mention three other things about the Fed. As I mentioned, the Fed in general is the primary regulator of the megabanks, and, still, I believe we do not have adequate focus and adequate regulation in that category. I would only point to the recent disastrous announcement of JPMorgan Chase.

Also, the Fed, with five affirmative votes, passes regulations under Dodd-Frank under its authority. That process is ongoing right now.

Why are these two nominations significant in impacting the development of those Dodd-Frank regulations one way or the other? Well, it is pretty simple. Those Dodd-Frank regulations coming out of the Fed need five affirmative votes. Right now, there are five members of the Board of Governors, so they need to reach complete unanimity with regard to those regulations. When the possible negative impact of those regulations is such a threat, I think that required unanimity is actually very healthy and a real protection.

These two new members of the Fed change the map, change the requirement from needing five out of five to needing five out of seven. I think that will significantly push these regulations to the left, if you will, and require and therefore produce less consensus, which those with economic viewpoints such as mine wish to see continued.

In the same vein, the Fed is certainly significant in not only regulating the megabanks but, in instances like 2 years ago, bailing out the megabanks. They have that authority and they have that role. Just as with Dodd-Frank regulations, that requires five affirmative votes of the Fed Board. Again, right now, before these two confirmations, that would need five out of five. It would require unanimity. I think that is healthy, actually, with regard to such an extreme measure as huge taxpayer-funded bailouts, as we have seen in the last 3 years.

If these two new nominees to the Board are confirmed, that math, again, would change in exactly the same way: The requirement would move from five out of five to five out of seven. It would shift the outcome to the left, if you will. It would make it much more likely that the Fed would act sooner to bail out megabanks with taxpayer funds.

I have all of these concerns about these nominations. These two nominees are fine, decent men. They are smart. They are qualified in the professional sense. However, they clearly also support the current direction of Chairman Bernanke and the Fed. For that reason, I cannot support the nominations, and I have real concerns.

But, in closing, let me say that at least I think it is positive we are having this debate and we are voting. As I cited, that used to be the norm in the Senate, including with regard to Federal Reserve Board of Governors nominations. These are very important nominations because of monetary policy, because of their regulatory authority, because of bailouts, and Dodd-Frank, and all the rest. It is more important—now more than ever—because of the unprecedented nature of Chairman Bernanke's and the Fed's monetary policy and because of the history of the last 3 years.

We need this debate. We need these votes. I do not think spending about 2 hours on it on the floor of the Senate is too much to ask, so I am glad I asked for that. I am glad I demanded that. With that opportunity, I will be voting no.

Mr. President, I yield back my time. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold his request?

Mr. VITTER. I will.

EXECUTIVE SESSION

NOMINATION OF JEREMY C. STEIN TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

NOMINATION OF JEROME H. POWELL TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Jeremy C. Stein, of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System and Jerome H. Powell, of Maryland, to be a Member of the Board of Governors of the Federal Reserve System.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 90 minutes of debate in the usual form.

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CORKER. Mr. President, I wanted to speak for a moment today about the vote we are going to have this afternoon on the Federal Reserve Board members who have been nominated. I have met both of these individuals, and I plan to vote for them today at noon. But I want tell you why I am going to do that. I am very concerned about the overly accommodative efforts that are taking place right now at the Federal Reserve. I think these low interest rates over long periods of time will create inflation in our country. I believe the Fed has been proactive in recent times in ways that make me nervous. As soon as QE2 was announced, I immediately called the Chairman of the Federal Reserve, and we had a meeting in our office to talk about the concerns he had and the concerns we in our office have.

I would love to see the Federal Reserve have a single mandate like the European Central Bank has and the Bank of England has, where their sole purpose is really price stability. I would also love to see Congress act responsibly and deal with many fiscal and other kinds of issues that are holding down our economy. I think sometimes the Federal Reserve feels as though it is the only entity that is actually acting to try to stimulate our economy. I understand the position they are in, having a dual mandate, which I think is inappropriate and hopefully over time will change.

These two nominees, candidly, do not represent the kind of a more hawkish position I would like to see the Federal Reserve take where they are concerned about price stability over the long haul. At the same time, both of these gentlemen are qualified. I don't think there is any question that someone would say that these two individuals are qualified. We do have Fed Presidents from around the country who typically, as far as monetary policy on the Federal Reserve Board, do act in more hawkish ways and probably more represent the way that I would view things as they ought to be in some of the accommodations the Federal Reserve has continued to make.

I hope we do not get into a situation where we end up having—you can actually call it QE4. Some people might call it QE3. I hope that does not happen and that we will continue to press the Federal Reserve towards that end in any way we can.

I also know that there is going to be an election in November and that whoever the next President is—obviously, as you would expect, I hope there is a change in occupancy at the White House this November, someone who will actually try to solve the problems our Nation has. But whoever the next President is, they will have the opportunity to appoint the next Chairman of the Federal Reserve very soon and also the next Vice Chairman of the Federal Reserve.

So I guess what I would say in closing is that I am going to support these nominees because they are qualified. I do hope they will press the Chairman of the Federal Reserve to be more concerned about price stability, especially into the future. But I do not want to vote no today because I think it sets a precedent of saying that, look, these guys are qualified—I do not think there is any question about that. And I want the next President—who I hope, again, is someone different than we have today—to have the opportunity with my colleagues on the other side of the aisle—if a change is to occur and if the President has the opportunity to appoint a new Federal Reserve Chairman and a new Vice Chairman and he deems them qualified and this body deems them qualified, I hope we are going to have the opportunity to fill those positions.

So, again, I plan to vote for these nominees in an effort to continue to cause this place to focus in the way I think it should. They are not ideal, from my perspective, but they are qualified.

I might remind friends on my side of the aisle that we did have someone who was nominated several months ago who was not in the mainstream. This person was not in the mainstream of thinking, and this person did not become a member of the Federal Reserve Board. So we have ended up having two nominees who are more middle of the road. They are not as hawkish as I would like to see them be. They are not as focused—they possibly will not be as focused on price stability as I would like to see them be. But they are qualified. They are not out of the mainstream. And I do plan to support them.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, at noon the Senate will be voting on two of President Obama's nominees to the Federal Reserve Board. These are important positions. They have long terms. They come at a time when our economy is in trouble and doing its best to recover. In these votes, the Senate will be acting in the way it should, and let me say why I am saying that.

On Tuesday of this week, someone most of us know—Marty Paone, who was the Democratic secretary in the Senate for 13 years, until 2008—wrote an article in the Hill, a Capitol Hill newspaper. The headline is ''Senate rule changes come with risk,'' but all I want to refer to today is a description of the Senate that is on our Senate Web site. Marty describes our own Web site in the article and says:

> . . . [t]he legislative process on the Senate Floor [as] a balance between the rights guaranteed to Senators under the standing rules and the need for Senators to forgo some of these rights in order to expedite business.

Mr. President, I ask unanimous consent to have printed in the RECORD the article I just referred to following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, what is reflected on the Senate Web site is the action the Senate is about to take at noon today.

There has been at least one vacancy—and sometimes two—on the Federal Reserve Board since 2006. That is 6 years ago. That is one whole Senate term. The Federal Reserve Board has seven Governors nominated by the President and confirmed by the Senate. So during that whole 6 year-period, it has had one or two of those seven positions vacant. And this has been during a time—since 2008—of the greatest economic crisis we have had since the Great Depression.

The President tried once to nominate someone to that position who wasn't accepted by the Senate. So in January the President took the unusual step of nominating a well-qualified Republican, Jay Powell, as well as a well-qualified Democrat.

There is a good deal of unease in the Republican caucus—as I am sure was reflected in some of the comments on the floor—about the response the Federal Reserve Board has taken to the economic crisis since 2008. Senators on this side of the aisle who have those concerns have a perfect right to filibuster, to object, and perhaps to kill these two nominations. But the Republican Senators have realized that if we were to do that to President Obama's nominees today, then if there were a President Romney after the first of the year, the Democrats very likely would say: We will object to President Romney's nominees, and there would still be vacancies on the Federal Reserve Board at a time of economic crisis.

Just as the President took a step toward making government work by nominating a well-qualified Republican to one of these two Federal Reserve Governor positions, I want to acknowledge the fact that Republican Senators who feel strongly about this issue have taken a step forward and forgone—in the words of our Senate Web site—some of their rights so that we can move straight to a vote today, up or down, at 60-votes, on each of the two nominees.

The article to which I referred said that sometimes in the Senate, even though we all have many rights, we have to forgo some of those rights in order to make the place work. That has been happening more lately. Republican Senators in the minority have been occasionally forgoing some of our rights to slow down a bill coming to the floor or to insist on an amendment that is not relevant. The majority leader has on some occasions forgone his right to block our amendments. We would like for him to do that more often, but it has been happening more lately.

I think of the scheduling difficulty Senator REID and Senator MCCONNELL had on district judges a few weeks ago. Instead of letting that issue blow up the Senate, they met privately and agreed they would proceed at a schedule the two of them determined. As a result, we have been considering and confirming district judges at a regular rate.

Their agreement permitted us to move to a jobs bill, which benefitted startup companies, to move ahead. The House Republicans had already passed the bill, then we passed it, and the President of the United States then signed it into law.

The Senate moved forward on the FAA authorization bill after many efforts and failed attempts to do so.

We have a 2-year highway bill which the Senate has passed and which is now in conference. I would like for it to be a 7-year bill, but we have made progress and passed a 2-year bill.

The Senate had a big debate on the Postal Service. I would have liked to have seen a stronger bill come out of the Senate, and I hope the House will send us back a stronger bill. But we had 39 relevant amendments to that bill considered, we worked on it, and we are moving toward dealing with the big debt the Postal Service has.

This week we considered an extension of the Ex-Im Bank and took up a bill passed by the Republican House. We offered and voted on five relevant amendments to the Ex-Im Bank bill and disposed of the bill that same day.

The majority leader says we have the FDA bill coming up—very important because it affects medicines that Americans everywhere depend on. Senator ENZI and Senator HARKIN have worked that bill through the HELP Committee. It has broad support on both sides of the aisle. The majority leader may allow it to come up only with relevant amendments, and we may be able to consider it and pass it.

Earlier this year several of us came to the floor and complimented Senator REID, the majority leader, and Senator MCCONNELL, the Republican leader, for saying that they want to do their best to pass all the appropriations bills this year. That is the basic work of the Senate—paying our bills and doing our oversight. Only twice since the year 2000 has the Senate passed every single appropriations bill.

I don't want to make too much of this progress, but it is a little progress, and it is an example of the Senate working the way the Senate is supposed to work.

Now, let's be honest about the fact that this is a more partisan country than it was even 10 years ago, and that partisanship is reflected in the Senate. By any definition there is a narrower range of views on the Republican side of the aisle and a narrower range of views on the Democratic side of the aisle. But we still have our job to do. Our job is not just to stand and express our views. If our job was to only stand and express our views, each one of us would always be right and we wouldn't get anything done. The second part of the job is to take our views, put them together, and see if we can get a result.

Some people say: Well, you are interested in bipartisanship.

I am not so interested in bipartisanship. That interests me very little, to tell you the truth. I am interested in results. I learned in the Maryville city schools how to count, and I can count to 60. I know that if it takes 60 votes to get anything done in this Senate, it is going to have to take some on that side and some on this side to get to 60. And I know the American people are expecting results—results on the debt, results on tax reform, results on fixing No Child Left Behind, results on finding a place to put used nuclear fuel. I want to be a part of getting those results. We have too many problems to solve for us to think we have finished our job simply by announcing our positions, stating our principles, and sitting down. We need to take those principles and put them together and see whether they can mesh and get a result.

It is not easy to get elected to the Senate. It is very hard to get here. Most candidates campaign for a long time, and their campaigns are intense for 2 years. They usually have terrific opposition, and people say things about them that they don't like. We end up with some very talented men and women among the hundred in the Senate.

It kind of reminds me of country music. A lot of the artists in Nashville I know play in every bar they can find and every State fair they can find for 20 years, and finally they might get invited to join the Grand Ole Opry. Well, being in the Senate for a lot of the last year was like being invited to join the Grand Ole Opry and not being allowed to sing. The majority leader would bring up a bill and block the amendments because he would say the Republicans were keeping him from bringing up bills. Our side would say: Well, we are not going to let you bring it up unless you let us have amendments. So we would be sitting around, twiddling our thumbs, and wasting time when there was a lot to do. That is why I am so glad to see some things changing here in the Senate over the last few weeks.

We all have our wishes about what will happen in the November election. I hope that after November we will see President Romney and that we will see more desks on this side of the aisle, a Republican majority. My friends on the other side expect and hope the President will be reelected, and they would like to enlarge their majority on the other side of the aisle. We don't know whether there will be a Republican or a Democratic President. We don't know whether there will be 51 or 52 Republican Senators or 51 or 52 Democratic Senators. We do know pretty well that there probably won't be many more than 51 or 52 or 53 Democratic Senators or 51 or 52 or 53 Republican Senators, and we all can count, and we all know that is not 60.

We also know we are going to get to the end of the year and we are going to have taxes to reform, debt to reduce, highways to deal with, nuclear waste to do something about, the payroll tax credit expiration, and the biggest tax increase in history facing us. We know the country's lack of confidence in the future will be greatly relieved if it has more confidence in the ability of Washington, DC, to govern this country.

We see what is happening in Europe. We can look at ourselves, and we know we have trillions of dollars sitting on the side lines of the United States. Part of the reason that money is sitting there is to wait to see whether the Senators can do our jobs. Well, doing our jobs may require forgoing some of our rights. That is what it says on our Web site—that we have the rights, that we can insist on them. And sometimes we will. But to get things done in the Senate, sometimes we will forgo some of our minority rights and the majority leader, we hope, will forgo some of his rights. Then we will be able to move to a bill, amend it, vote on it, and get some results. That is what the American people would like for us to do.

We are moving today to vote on a Democratic and a Republican nomination by the President. We are doing it without any obstruction by Republicans in the minority, who are very well aware and hope there will be a President Romney after January who will have a number of Federal Reserve appointments to make. And President Romney will hope his nominees are entitled to the same respect President Obama's nominees are.

If these two nominees are confirmed today, the Federal Reserve Board will have a full complement of seven for the first time since 2006. The Federal Reserve will have a full Board at a time of great economic crisis for our country and as we come up on the end of the year when we will have a fiscal cliff—according to the Chairman of the Federal Reserve Board—that will cause Congressional action to take care of.

So I am here today only to say that I admire the nominees. I know one of them well, Jay Powell, who was Under Secretary of the Treasury for the first President Bush, an administration in which I served. He has a fine reputation. He should be a fine member. I want to acknowledge the fact that the President chose to break the stalemate by nominating Mr. Powell, a Republican, as well as a Democrat. I want to acknowledge the fact that several of my Republican colleagues, who have deep concerns about the actions of the Federal Reserve Board during this economic crisis over the last few years, have forgone some of their rights and allowed us to have an up-or-down vote at noon.

That, taken with the other actions of the last few months, should give a little bit of confidence to the American people that we in the Senate are perfectly able to assert our principles, to stand on our principles, not to give up on our principles. But then, after we have made our speeches, to sit down and come to a result that may not be perfect, it may not be ideal to each of our principles, but will be good for our country.

EXHIBIT 1

[From the Hill, May 15, 2012]

SENATE RULE CHANGES COME WITH RISK

(By Martin P. Paone)

It's an election year, and the Senate can't agree on how to keep the student loan interest rate from doubling on July 1 from 3.4 percent to 6.8. While both sides agree that it should be done, how to pay for it is the stumbling block. A party-line cloture vote failure has once again brought calls for changing the Senate's rules by majority vote at the beginning of the next Congress, bypassing the two-thirds cloture requirement if there's opposition.

The Senate's membership has changed considerably in the last decade, but the Senate rules, with the exception of some changes that were enacted in the Ethics in Government Act, have not undergone any major changes since the Senate went on TV in 1986. While the House has its Rules Committee, which allows the majority to exert its will and control the flow of legislation, the Senate has a tradition of protecting the rights of the minority and of unfettered debate. Its own website describes ''[t]he legislative process on the Senate floor [as] a balance between the rights guaranteed to Senators under the standing rules and the need for senators to forgo some of these rights in order to expedite business.''

The Senate has for centuries functioned by this compact of selectively forgoing one's rights, but now that compact, to some, seems to have broken down—hence the call to enact rules changes at the beginning of the next Congress by majority vote. These calls have come from Democrats, but they are quick to admit that it should apply regardless of who is in the majority at the time.

Such changes can certainly quicken the process and allow for the majority to pass legislation and confirm presidential nominees with little hindrance. While the initial rules reforms will probably be limited to restricting debate on a motion to proceed and other less dramatic changes, eventually such majority rules changes at the beginning of a Congress will result in a majority-controlled body similar to the House. Once the Pandora's Box of granting the majority the unfettered ability to change the rules every two years has been opened, having seen how the current situation has escalated, tit for tat over the last 30 years, it is difficult to believe that strict majority rule would not be the ultimate result. Thereafter, a member of the minority in the Senate will be just as impotent as his or her House counterparts.

Filibusters and the forcing of a cloture vote have been repeatedly used to stop legislation and nominations and to waste time. This is why the number of successful cloture votes, many on noncontroversial nominations and on motions to proceed to bills, has gone up dramatically in recent years. By requiring the cloture vote and then voting for it, the minority has been able to waste considerable time and thus reduce the amount of time available to act on other items of the president's agenda.

The call for changing the Senate's rules by majority vote at the beginning of a Congress is not new; it was attempted without success in 1953 and 1957 and in 1959. When faced with such an effort, then-Majority Leader Lyndon Johnson negotiated a cloture change back down to two-thirds of those present and voting, but as part of the compromise he had to add Paragraph 2 to Senate Rule V, which states ''The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.''

So is it time to ignore the existing rules and change them at the beginning of the next Congress by a majority vote? Perhaps it is time—so many other changes have occurred in our lives in the recent past, why shouldn't the Senate change the way it does business? However, should that occur, one must be prepared to live with the eventual outcome of a Senate where the majority rules and the rights of the minority have been severely curtailed.

While I can sympathize with those demanding such changes, it's the manner of their implementation that keeps reminding me of the exchange between Sir Thomas Moore and his son-in-law, William Roper, in the movie ''A Man For All Seasons'':

Roper: ''So, now you give the devil the benefit of law!''

Moore: ''Yes! What would you do? Cut a great road through the law to get after the devil?''

Roper: ''Yes, I'd cut down every law in England to do that!''

Moore: ''Oh? And when the last law was down, and the devil turned 'round on you, where would you hide, Roper, the laws all being flat? . . . Yes, I'd give the devil benefit of law, for my own safety's sake!''

Mr. ALEXANDER. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise today with gratitude to thank and honor my good friends and esteemed colleagues Senator ALEXANDER and Senator JOHANNS. The willingness to vote on two of the President's nominees to serve as members of the Board of Governors of the Federal Reserve that they have expressed today is exactly the sort of bipartisan approach that has historically made the Senate work. I would like to honor their efforts to get us back to that proud tradition and thank them for their efforts to bring these two distinguished men to a vote.

Serving on the Banking Committee together, I know Senator JOHANNS to always do his due diligence when reviewing any proposed legislation or in this case nominees. I am grateful for it. I am also grateful my good friend Senator ALEXANDER is the ranking member of the Rules Committee. His hard work and insight were invaluable as we worked together to streamline presidential appointments and to pass a bill in the Senate to reduce the number of positions requiring Senate confirmation last year. He has always worked for the betterment of this body. Today is another example.

Yet despite our work last year, we face a backlog of nominations which

gridlocks other important legislative business. That is not how the process should work.

The Senate was designed to be a thoughtful and deliberative body. But the American public is harmed when we are not able to get qualified people confirmed to positions in a timely manner. Nominees of impeccable qualifications and indisputable support have been frozen out of the confirmation process. Thankfully that will not be the case today.

At a time when our economy is struggling to maintain forward momentum, and the Federal Reserve is faced with difficult decisions about how to help the recovery now without creating problems in the future, it is absolutely critical that we not leave the Fed undermanned. For months now, the Fed has been operating with only 5 of its 7 board members, while nominees languish in the Senate confirmation process. There is no real question that both of our nominees are qualified and bipartisan.

Jeremy Stein is a well-known Harvard economist, with strong expertise in monetary policy and financial regulation. In between two stints at Harvard, Stein was on the finance faculty at M.I.T.'s Sloan School of Management for 10 years. Stein's research has covered such topics as: the behavior of stock prices; corporate investment and financing decisions; risk management; capital allocation inside firms; banking; financial regulation; and monetary policy.

He is currently a coeditor of the Quarterly Journal of Economics, and was previously a coeditor of the Journal of Economic Perspectives. He is a fellow of the American Academy of Arts and Sciences, a research associate at the National Bureau of Economic Research, and a member of the Federal Reserve Bank of New York's Financial Advisory Roundtable. From February to July of 2009, he served in the Obama administration, as a senior advisor to the Treasury Secretary and on the staff of the National Economic Council.

Jerome Powell is a visiting scholar at the Bipartisan Policy Center here in Washington, where he focuses on Federal and State fiscal issues. He is also a former lawyer, with experience in investment banking and private equity who will bring valuable and broad private sector expertise to the Board. From 1997 through 2005, Powell was a partner at The Carlyle Group, where he founded and led the Industrial Group within the U.S. Buyout Fund. So he has broad experience working with manufacturing companies and other industries at the heart of the U.S. economy.

Powell has served on the boards of several charitable and educational institutions. He is currently a member of the board of directors of D.C. Prep, a charter school operator in Washington, DC; the Bendheim Center for Finance at Princeton University; and The Nature Conservancy of Washington, DC and Maryland.

There is no requirement that the President nominate governors from the other party, but Mr. Powell is also a Republican who served as Undersecretary of the Treasury for Finance under President George H.W. Bush, with responsibility for policy on financial institutions, the treasury debt market, and related areas. So this is not a partisan issue or ideological battle. We have one nominee who served in the Obama administration, one nominee who served in the Bush administration.

It is very good that we have come to an agreement. We hope it can set the tone for agreements well into the future, this year and in 2013 as well.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Jeremy C. Stein, of Massachusetts, to be a member of the Board of Governors of the Federal Reserve System?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The Clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Oregon (Mr. MERKLEY), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. WHITEHOUSE) would vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 70, nays 24, as follows:

[Rollcall Vote No. 102 Ex.]

YEAS—70

Akaka	Enzi	Mikulski
Alexander	Feinstein	Murkowski
Barrasso	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Begich	Grassley	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Blumenthal	Hoeven	Reid
Boxer	Hutchison	Rockefeller
Brown (MA)	Johanns	Sanders
Brown (OH)	Johnson (SD)	Schumer
Burr	Kerry	Shaheen
Cantwell	Klobuchar	Shelby
Cardin	Kohl	Snowe
Carper	Kyl	Stabenow
Casey	Landrieu	Tester
Coats	Lautenberg	Udall (CO)
Cochran	Leahy	Udall (NM)
Collins	Levin	Warner
Conrad	Lieberman	Webb
Coons	Lugar	Wicker
Corker	Manchin	Wyden
Crapo	McConnell	
Durbin	Menendez	

NAYS—24

Ayotte	Heller	Portman
Blunt	Inhofe	Risch
Boozman	Isakson	Roberts
Chambliss	Johnson (WI)	Rubio
Coburn	Lee	Sessions
Cornyn	McCain	Thune
Graham	Moran	Toomey
Hatch	Paul	Vitter

NOT VOTING—6

DeMint	Kirk	Merkley
Inouye	McCaskill	Whitehouse

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the nomination is confirmed.

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Jerome H. Powell, of Maryland, to be a member of the Board of Governors of the Federal Reserve System?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 74, nays 21, as follows:

[Rollcall Vote No. 103 Ex.]

YEAS—74

Akaka	Durbin	Menendez
Alexander	Enzi	Merkley
Barrasso	Feinstein	Murkowski
Baucus	Franken	Murray
Begich	Gillibrand	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bingaman	Hagan	Portman
Blumenthal	Harkin	Pryor
Blunt	Hoeven	Reed
Boozman	Hutchison	Reid
Boxer	Johanns	Rockefeller
Brown (MA)	Johnson (SD)	Schumer
Brown (OH)	Kerry	Shaheen
Burr	Klobuchar	Shelby
Cantwell	Kohl	Snowe
Cardin	Kyl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Udall (CO)
Coats	Leahy	Udall (NM)
Cochran	Levin	Warner
Collins	Lieberman	Webb
Conrad	Lugar	Whitehouse
Coons	Manchin	Wicker
Corker	McCain	Wyden
Crapo	McConnell	

NAYS—21

Ayotte	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coburn	Johnson (WI)	Sanders
Cornyn	Lee	Sessions
Graham	Moran	Thune
Hatch	Paul	Toomey
Heller	Risch	Vitter

NOT VOTING—5

DeMint	Kirk	Mikulski
Inouye	McCaskill	

The PRESIDING OFFICER. The 60-vote threshold having been achieved, the nomination is confirmed.

The majority leader.

NOMINATION OF PAUL J. WATFORD TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

Mr. REID. Madam President, I now move to proceed to consider Calendar No. 552, the nomination of Paul J. Watford, of California, to be U.S. Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the 9th Circuit.

Harry Reid, Patrick J. Leahy, Jeff Bingaman, Christopher A. Coons, Carl Levin, Ron Wyden, Ben Nelson, Joseph I. Lieberman, Jeanne Shaheen, Richard Blumenthal, John F. Kerry, Kirsten E. Gillibrand, Barbara Boxer, Dianne Feinstein, Sheldon Whitehouse, Jeff Merkley, John D. Rockefeller IV.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT—MOTION TO PROCEED—Continued

Mr. REID. Madam President, what is the pending business?

The PRESIDING OFFICER. The motion to proceed to S. 3187.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to calendar No. 400, S. 3187, the Food and Drug Administration Safety and Innovation Act.

Harry Reid, Jeff Bingaman, Joseph I. Lieberman, Amy Klobuchar, Patty Murray, Mark Begich, Richard Blumenthal, Ben Nelson, Patrick J. Leahy, Kent Conrad, Tim Johnson, Sherrod Brown, Benjamin L. Cardin, Sheldon Whitehouse, John F. Kerry, Daniel K. Akaka, Tom Harkin.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I have spoken before about the importance of the FDA bill. It is something we have to get done. Literally, people's lives depend upon it. It addresses so many things with the FDA to make it a better organization. We have to get this done. As I said before, if my Republican colleagues don't like the bill, offer an amendment—offer an amendment. Take that out. Put something in if you don't like it. But I hope we don't have to go through voting on cloture on this Monday night. We should be legislating on this on Monday. So I am stunned that once again, on a motion to proceed, when there has been an agreement that we would proceed to this with relevant amendments—everybody says that is what they want to do. It is not germane amendments, which is very narrow, it is relevant amendments. It gives people a lot of opportunity to change this legislation in many different ways. So I hope we do not have to have that cloture vote Monday night.

UNANIMOUS CONSENT REQUEST—H.R. 1905

Mr. REID. Madam President, I now ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 1905, the Iran Threat Reduction Act, and that the Senate proceed to its consideration; that the Reid-Johnson(SD)-Shelby substitute amendment, which is at the desk and is the text of Calendar No. 320, the Iran Sanctions, Accountability and Human Rights Act, as reported by the Banking Committee, be considered; that a Reid-Johnson(SD)-Shelby amendment, which is at the desk, be agreed to; that the substitute amendment, as amended, be agreed to; that the bill, as amended, be read a third time and passed; that the motions to reconsider be laid upon the table; that there be no intervening action or debate; and that any statements related to this matter be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, reserving the right to object, I would just note that this is a matter—and I appreciate the majority leader's desire to bring this to conclusion. It has been worked on now for quite some time. Unfortunately, the language that has just been presented to our side has not been widely shared. I have not actually read it yet. It was apparently brought over at 10:38 this morning. When I came to the floor, it was described to me. As described, it would be weaker than President Obama's policy.

Given the fact that this is a matter on which Democrats and Republicans and the administration and the Senate have been in pretty close accord in dealing with the country of Iran and its nuclear ambitions, I would hope we could ensure that the language is agreed to by all. There seems to be an important piece missing, and we certainly need the time to talk to folks to see why that is so, whether it can be put back in or, if it cannot, then to be able to discuss it because we certainly do not want something that is weaker than the administration's current policy.

So I would hope we could have some time over the weekend and perhaps on Monday, when enough of the Members can be apprised of what has actually been proposed here, and see if our colleagues on the other side would be willing to make the accommodation that we may need to have made here.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Madam President, reserving the right to object, I appreciate the leader's desire to get this done. I would like to get it done too. In fact, the original Iran sanctions language was drafted in my office when I was in the other body.

This is an issue I have been involved in for a long time. This morning I have had a chance to look at it only within the last half hour. I suppose I could have been here at 10:38, but even 10:38, for an issue such as this—and my view also is that it is not as strong as the Presidents's policy. It is not as strong as any other resolution on this topic we have ever passed. And the question that would logically be asked is, Why not? I would like to think that is an oversight in drafting, that we can work this out over the weekend and make this reflective of our national policy and the President's policy. But I would be very concerned about moving to this language today and would hope that we could work with the leader to have language that we could bring up as early as Monday and pass and send the message to the world that the Senate supports the stated policy of our government on this critical issue. Nobody wants Iran to be able to move forward and attain nuclear capacity, and I would be very concerned about moving forward on this language as it currently appears to me to be stated.

Mr. REID. Mr. President, is there an objection by either Senator KYL or Senator BLUNT?

Mr. KYL. Mr. President, for the reasons noted, I would hope we could work with our colleagues to fix the problem. Until we do, I would have to object.

The PRESIDING OFFICER (Mr. MANCHIN.) Objection is heard.

Mr. REID. This is such an interesting conversation here on the floor this afternoon. I did not have the papers. Now, I do not blame my friend from Arizona for not having the documents. I do not blame my friend from Missouri for only having a half hour to look at this. This was given to the Republican leader yesterday, midday. The language they are objecting to was in the base bill, so unless they did not read the base bill, they have a problem here. Now, they said they want to get it done—strange way of showing they want to get it done.

This has been a classic example of rope-a-dope. I try to be a patient man. I have been very patient with my staff working with Senator KIRK's staff, the minority leader's staff. I have tried to be as patient as I can be.

Mr. MCCONNELL. Would my friend yield?

Mr. REID. No, not right now. This is absolutely untoward, what is happening here. We have tried to get this done every day. Oh, it is just we have to do a little bit more. We have this agreement that was agreed to by all of the parties, but, of course, now there is no agreement.

I am deeply disappointed that my Republican colleagues are preventing the Senate from passing additional critical sanctions against Iran. If they want to embarrass the President, this is a strange way to do it. Two months ago I came to the Senate floor and said we needed to pass these sanctions immediately. The fastest way forward was to pass the bipartisan bill sponsored by Senators JOHNSON and SHELBY, which passed out of the Banking Committee unanimously. But Republicans then said no, as they are saying today. Republicans said they wanted to include ideas from Senator KIRK, Senator PAUL, and wished to move forward with S. Res. 380 on containment.

We heard their objections. We have tried mightily to address them, with the goal of getting this bill passed and protecting our own national security and that of our ally Israel. This deal includes a bipartisan managers' package sponsored by Senators SHELBY and JOHNSON, with items of importance to Senators MENENDEZ, KIRK, PAUL, and JOHNSON.

The American Israel Public Affairs Committee has expressed strong support for this package to Senator MCCONNELL and to me. In a letter today, AIPAC urged us to move forward with this package as quickly as possible. I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE,
Washington, DC, May 17, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: We understand that you are bringing the Iran Sanctions, Accountability, and Human Rights Act of 2012 (S. 2101) to the floor for consideration. On behalf of the American Israel Public Affairs Committee, we would like to express our support for this critically important bipartisan legislation. We also want to take this opportunity to thank you for your ongoing strong efforts to thwart Iran's nuclear program, and for your overall leadership on behalf of a vibrant U.S.-Israel relationship.

In our view, this legislation has been further strengthened in important ways by a managers' amendment that reflects the views of a number of senators. We appreciate your leadership, together with that of Senators Johnson, Shelby, Menendez and Kirk in enabling this legislation to move forward to the floor and ultimately to conference with the House.

We understand that Senators Menendez and Kirk have additional valuable ideas to improve the bill being considered by the Senate but have graciously agreed to defer their amendments at this time to enable the bill to move forward as rapidly as possible. We applaud their efforts and, like them, want to see the strongest possible legislation enacted. We believe that their amendments fall within the scope of the conference committee, and urge you to ensure that they will be given appropriate consideration during the course of the conference deliberations.

We are deeply appreciative of the role played by the Senate under your leadership to do everything possible to stop Iran from using its nuclear program to further destabilize the Middle East. By its legislation and oversight, Congress has kept this issue in the forefront and forced Iran's leaders to face the choice between compliance with its international obligations and international opprobrium.

We look forward to working in support of your efforts.

Sincerely,

HOWARD KOHR,
Executive Director.
MARVIN FEUER,
Director, Policy & Government Affairs.
BRAD GORDON,
Director, Policy & Government Affairs.

Mr. REID. Mr. President, Democrats are ready to move forward and vote on an amended S. Res. 380, the bipartisan Graham-Casey-Lieberman legislation. This amendment would put the Senate on record, along with President Obama, ruling out a policy of containment on Iran. Yet Republicans have objected again. We cannot afford to delay these sanctions and slow them down any longer. On May 23 there is a round of international negotiations taking place with the Iranians on subjects related to this resolution we have.

Democrats are ready to move forward. We are ready to pass both the Iran sanctions bill and the containment resolution now—not later, now. We cannot afford any more delays. Sanctions are a key tool in our work to stop Iran from obtaining a nuclear weapon, threatening Israel, and jeopardizing the national security of the United States.

I am to the end of my patience. I usually never raise my voice with a Senator. I apologize to my friend from Arizona. I did a few minutes ago. The conversation was between him and me. But I am really upset about this. I feel that I have been jerked around—that is a pretty good understanding of the language people have—because we can never quite get there. The Republicans have kept us from moving forward on this for 2 months. We should have done what SHELBY and JOHNSON told us to do. So I hope something will happen on this in the near future, but I have to be honest with you, I do not have much faith that it will.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Do I have the floor now?

The PRESIDING OFFICER. You do.

Mr. MCCONNELL. I would say to my good friend the majority leader, this is an outrage I do not understand. My staff tells me we did not receive the draft amendment until late last night, and this morning we were told it was final. We got the draft late last night, and this morning we were told it was final.

Now, look, we have debates around here about a lot of things, but one of the things we have typically not been unable to reach an agreement on is the Iran issue. I do not know what the problem is here. A little communication ought to be able to bring us together behind something we can speak to unanimously, with a goal that I think we all have in this body—virtually everyone—which is to do everything we can to prevent Iran from becoming a nuclear-armed country.

So there is no reason in the world why we cannot resolve whatever minor differences we have and move forward. We certainly do not want to take a step backward. And there are Members on my side of the aisle who are concerned that the way the measure is currently crafted could actually be a step in the wrong direction. It could have been a drafting error. But what is wrong with sitting down on a bipartisan basis, looking at the language, and making sure we get it right and achieve the goals that I think virtually everybody in the room would like to achieve? There is nothing to get angry about. A proper response would be to work out our differences and to go forward.

Timeliness is an issue. We need to do this quickly. We can all agree to that on both sides of the aisle. I say to my friend, I don't think there is anything to be outraged about. Why don't we work out the differences and pass the resolution?

Mr. REID. Mr. President, when my friend indicates, why is there any problem, and that they agree—it is just like the issue of student loans when they

say they agree, except they will not let us legislate on that bill. They think this is a great thing to do, but we cannot do it. They say they need more communication. How about 2 months? How much more do they need?

I will not get into getting anyone in trouble, but the Republicans were given this in mid-afternoon. Maybe they were busy, but that doesn't matter. The point is we have tried to get something done, and we cannot get it done.

I think it is too bad for this institution. I am not outraged; I am upset because I feel I have been used as a tool to try to adversely affect the President in some way. I will continue to keep an open mind, but I have to say that I am terribly disappointed. It looks as though we are going to arrive at May 23—and the Iranians have people around who are watching this. They are laughing at us. We cannot even come up with a simple resolution. It has no force of law—I should not say that; it does have some. But they are laughing at us.

Here is the U.S. Senate quibbling over a sentence that has been in this resolution since it was drafted.

Mr. MCCONNELL. Mr. President, most people in America work 5 days a week. It is 1 o'clock on a Thursday. What is the problem? We have broad bipartisan agreement about the approach we ought to take with regard to the Iran sanctions issue. The leaders on my side are all standing on the floor of the Senate and are anxious to be involved in working out the language.

I say to my friend, he said it is a sentence in the resolution. A sentence can sometimes change the entire meaning. How this is crafted is not irrelevant. Rather than us standing out here on the Senate floor pointing fingers, it is only 1 p.m. on a Thursday afternoon; let's sit down and work out the differences and pass something we can agree on and try to make a difference.

Mr. REID. No matter how many times you say it, the language we are told they are complaining about was in the initial bill.

Mr. President, I appreciate my friend saying most people work 5 days a week. I work more than 5 days a week, and I have been working the last 2 months trying to get this done. Every time we tried to do it in the last few weeks—and Senator KIRK is ill, and I gave him every benefit of the doubt. Let's try to do what Senator KIRK thinks is a good idea. If we can agree, we will do it.

Mr. President, we have been trying to get this done for a long time. It is not just today at 1 o'clock; I wanted to move forward on this a long time ago. They say: Let's just give it another day or so and we will take care of this. But that is not how it has worked.

I yield to the Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I thank the leader for yielding. I want to applaud him for asking to bring the legislation that passed unanimously out of the Banking Committee to the floor because there is no one in this Chamber who has been stronger on pursuing sanctions on Iran and trying to defer Iran from achieving nuclear weapons. I support and am on Senator LIEBERMAN's resolution.

But time is of the essence. We must send to the Iranians a clear message that they cannot just forestall negotiations and have negotiations thinking that they are buying time. We must show them that notwithstanding their intentions to buy time, there are consequences.

The consequences of those sanctions on the Central Bank of Iran that are already moving forward and that the administration is fully seeking to enforce, and the continued perfecting sanctions that the Banking Committee sent out unanimously is incredibly important to send the Iranians a message.

I look at what the legislation will do in part. It, in essence, closes loopholes that the Iranians have figured out. It creates sanctions on the national Iranian oil company and the national Iranian tanker company, making them agents of the Iranian Revolutionary Guard and imposes sanctions on financial institutions that would facilitate transactions.

This is important. The Iranians are using this as a way to get around it. It has sanctions on satellite companies that impose human rights sanctions on those companies that provide satellite services to the Iranian regime but fail to prevent jamming by Iran of transmissions by others of the same satellite service company. It has sanctions on financial messaging services, and even though Swift, the largest of them, already pulled the plug on the Iranians, we don't want any other messaging service to fill that void. We want to make sure that noose is as tight as possible.

Mr. REID. Mr. President, if my friend will yield, I want to make sure the record is clear. When I talked about it having no force of law, we were talking about the containment resolution.

I ask this question to my friend from New Jersey: What does he think the Iranians are doing watching this performance today? How does he think they are feeling about what we are doing today—that we cannot pass this resolution?

Mr. MENENDEZ. Originally, when we sent a 100-to-0 vote out of here, they said: We are in trouble. But now they are saying to themselves: Well, buying time seems to succeed.

We cannot allow the Iranians to believe, as they head into these negotiations next week, that there is anything but a foot on the head of the snake and that we will continue to do that and drive every possible sanction and close every possible loophole, which is largely what the legislation the leader was seeking to pass accomplishes. That is why it passed unanimously out of the Banking Committee.

Even as we talk about the resolution, there is no reason to stop the very essence of what would send a message to the Iranians—that it will hurt them in their economy and undermine their ability to continue in Iran as a government, and that it is going to be the very strongest set of sanctions we can levy from one government to another. It will have a multilateral effect, which is when sanctions take place the best.

I am beside myself. Are there amendments that I might want to offer? Of course. But I find it far more important to move now and get passage and send this strong set of sanctions so that the Iranians will get the message rather than to linger and ultimately have those negotiations take place and not send a message.

I appreciate the majority leader's efforts. I applaud them. I am certainly for Senator LIEBERMAN's resolution. I don't believe in containment as a policy, but moving the set of sanctions to ensure that the Iranians don't do anything but come to the table and say they are ready to follow a course of disarmament in terms of their nuclear production is incredibly important.

Sometimes things can wait. This is not one of those times in which waiting produces the desired result. On the contrary, it produces a negative result because they believe we will not continue to pursue tightening the noose and closing every loophole and being of one mind. I hope we can achieve that before we leave.

Mr. REID. Before my friend leaves, I direct a question to him. Is it true that he is a member of the Banking Committee?

Mr. MENENDEZ. Yes.

Mr. REID. It is true that this resolution came from the Banking Committee?

Mr. MENENDEZ. Yes, the legislation came from the Banking Committee.

Mr. REID. The matter about which we talk, the Iranian sanctions legislation, came from the Banking Committee. It was reported unanimously from the committee, right?

Mr. MENENDEZ. That is correct.

Mr. REID. During the last 2 months, the Senator from New Jersey and his staff have been heavily involved in what is going on during the negotiations that have taken place; is that fair?

Mr. MENENDEZ. It is.

Mr. REID. Jessica Lewis, who is seated by me, my foreign policy adviser—is it true that she worked for the Senator from New Jersey?

Mr. MENENDEZ. She did until the majority leader took her from me.

Mr. REID. And it is true that we have worked over this period of time—our staffs, working with Republicans—very hard to try to get something done. I say to my friend, is it true that each time we were there, were not there the next few minutes, the next day—it has taken forever, 2 months, right?

Mr. MENENDEZ. We have thought at various times that we would be on the Senate floor and have it passed, and

there has always been an additional desire or objection. I just think what we have before us, especially in timing, doesn't mean we cannot continue to perfect it as we move to the future, as we are doing in this legislation.

But this legislation, now passed unanimously out of committee, is supported by the major advocates of those who share our vision that we cannot have a nuclear-powered Iran and an Iran with nuclear weapons, and believe that it is important to move now so we can achieve that goal and send a message to the Iranians.

So I think time, in this case, is of the essence. That is why I came to the floor to support the leader's efforts.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, this is a classic moment—unfortunately, too typical—where we all agree on the goal, but we want to pass another tier of sanctions against the Iranians to deter them from developing nuclear weapons. Our goal has been to get this done before the P5+1—five permanent members of the Security Council of the U.N., plus Germany—meet again with Iran in Baghdad this time, which is next Tuesday.

I understand the frustration of the majority leader. First, nobody has been more consistent and steadfast and sincere in their effort than the majority leader to have this body make very clear to everybody in the world—particularly the Iranians—that we will not accept them becoming a nuclear power, and we are prepared to use economic sanctions and, if necessary, certainly now the credible threat of force.

I also know the majority leader has been pushed and pulled back and forth over the last several weeks to get to a point where we can get this done before May 23. So I understand his frustration at this moment.

I hear my Republican colleagues, and I have looked at the language they are concerned about. They are concerned that in listing the economic sanctions as one way that can be used to stop Iran from developing nuclear weapons and not listing the credible threat, the option of military force, as President Obama and others have said, that somehow we are sending a message of weakness.

Frankly, my original hope was that the more important thing to do is to get this done and passed in the Senate by next Tuesday when all parties come to Baghdad. But the difference is not only small, it is nonexistent. We all agree we ought to try the sanctions, that we ought to make them tough, that they ought not be watered down before the Iranians agree to stop their nuclear weapons program. And we all agree we have to have the credible threat of force being used against the Iranian nuclear program if there is any real hope of the sanctions working.

I know the majority leader has to leave the Senate floor. Ideally, I wish we could agree on that sentence and get it done and passed today by consent, if we can. If we can't, I hope we can do it by Monday so we do send a message of unity, which we have, but the words, the procedures, the mood is standing in the way of us sending a unified message from the Senate to the rest of the world, and particularly to the Islamic Republic of Iran in Tehran, that we mean business. Right now we are not speaking with one voice.

I appeal to my colleagues. Let us step back, take a breath. Can we do it this afternoon? Maybe. I hope so. If we can't, let us get it done over the weekend and adopt it by Monday.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I wish to echo what my friend from Connecticut, Senator LIEBERMAN, has said. I wish to get this done so we can vote and send the appropriate signal. It is not so much we act before Tuesday, even though that is important, but that we let the Iranians and the world know what we mean when we speak.

I hope they are watching in Tehran. I don't know if they get C SPAN. They will probably find it odd that LINDSEY GRAHAM is now being easy on Iran. Trust me, I am not. Senator MENENDEZ has been a champion, along with Senator KIRK, of creating legislation we could all buy into 100 to 0. We can't agree we should take Sunday off 100 to 0. But what they achieved was remarkable.

I understand Senator REID has been pulled and torn. I appreciate it. I enjoy working with him. He thinks maybe somebody is doing him wrong. We are not. He should ask himself this question: Why would Senator GRAHAM be on the floor concerned about what we say if he genuinely did not believe we are making a mistake? I don't want to embarrass the President. I would say to the President: Keep it up with Iran. I hope sanctions work. And if you need to use military force to protect this Nation, if sanctions fail, I will be your strongest advocate.

But a couple of things have been said that need to be corrected. The managers' amendment is not what was in the base bill or we wouldn't need a managers' amendment. Section 102 in the base bill is approximately three paragraphs. Section 102 here is approximately 10 pages. The bottom line for me is that this section was added in the managers' amendment that didn't exist in the base bill:

> Nothing in this act or this amendment or the amendments made by this act shall be construed as a declaration of war or an authorization of the use of force against Iran or Syria.

That wasn't in the base bill. Where the hell did that come from? This is not a declaration of war. But when this sentence is in there, and the new amendment doesn't say one thing about the use of force to control the Iranian behavior—the President's own words are ''all options on the table.'' And the reason I am exercised is we are now producing a product that backs away from where the President has been regarding all options on the table. We end the new managers' package with the statement ''nothing here authorizes the use of force against Iran or Syria.''

It is all about sanctions in the bill, and the only time we mention force is to say we won't do it or we won't authorize it. All I am asking is what Senator LIEBERMAN mentioned. These sanctions are great. I hope they will change Iranian behavior. They haven't yet, and I don't think they ever will, but I am willing to go down this road. All I am asking is when we include in the legislation ideas or concepts that will change Iranian behavior that we include ''all options are on the table'' in the bill. Because this would be the first piece of legislation where that is ominously omitted.

To end, the whole concept of what we are trying to do with the declarative statement ''this is not a declaration of war or the use of force against Iran or Syria'' would make the Iranians believe, quite frankly, we are all about sanctions and that is it. I am all for sanctions, but if you are listening, Tehran, I want more on the table to make you change your behavior.

This summer is going to be tough for the world. The Iranians talk and enrich. There is nothing credible I have seen to make me believe they are not pursuing a nuclear weapons capability. I hope the talks next Tuesday will change their behavior.

I appreciate what Senator MENENDEZ has done, along with his colleagues on the Banking Committee, to give this President more tools, to make them even tougher than they are today. But the worst thing we could do before next Tuesday is to leave any doubt to anybody who is watching this debate that there is nothing more on the table than just sanctions; that on the table—and we hope to God we never have to use it to stop the Iranian nuclear program—is the use of force, if that is required.

That is all I want to say. I hope we never get there.

I agree with this last statement—I am not asking for a declaration of war against Tehran or Syria—but I will not vote for a document at this critical time in our Nation's history, with the existential threat we are facing from a rogue regime that denies the right of Israel to exist, that has killed over 2,000 Americans in Iraq, that has been a proxy for evil throughout the planet, whose own President doesn't believe the Holocaust existed. And to my friends at APACS, whom I agree with most of the time, if they think this is the right answer, I couldn't disagree with you more.

Add one simple line, that in addition to all the fine work of the Banking Committee, and my dear friend Senator MENENDEZ, that we in the Senate recognize what the President has been saying for months—that military force is also an option.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. First of all, we have two things on the floor that are being discussed right now, and I know this is confusing probably to the people in Tehran, but the fact is I agree that Senator MENENDEZ and Senator KIRK have done a great job. I am on the Banking Committee, and we voted this out unanimously. I do hope, with this managers' package being added, that we can work out the details here.

My sense, by the way, is that we will do that. My sense is we will do that by the end of the day. So on the sanctions bill, I hope it goes forward.

Now I wish to move to something called a resolution. As we saw a minute ago, Senator REID talked about something not having the force of law. We are not talking about the sanctions bill. It has the force of law and, hopefully, will become law soon. What doesn't have the force of law is S. Res. 380, and I ask unanimous consent to engage in a colloquy, if I may, Mr. President, with the Senator from Connecticut and the Senator from South Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORKER. Sometimes what happens around here, Mr. President—and it happened in Libya, when we passed a resolution at 9 o'clock one night by unanimous consent and somebody over at the State Department decided that was an authorization for force. That was not the intent of that resolution. Again, we are talking now about the resolution, not about the sanctions bill.

I wish to engage in a colloquy with the cosponsors of S. Res. 380, because there is a clause 6 in here that says:

> . . . strongly supports United States policy to prevent the government of the Islamic Republic of Iran from acquiring nuclear weapons capability.

There are some wise people over at the State Department who could use that statement as a declaration of war, and I think they acknowledge that. But I don't think the authors of this resolution want that to be the case. So I wish to clarify that in the resolution—not in the sanctions bill—none of the language included in S. Res. 380 may be interpreted as congressional support for military operations in Iran.

I hope that should the administration decide kinetic activities are the only avenue available—we all hope that doesn't happen, but believe it can—that if kinetic activities are the only option available to achieve our policy objectives, they will come to Congress for authorization. This is not intended as an authorization of war.

I think these two cosponsors of the resolution agree, and if the President does want to go to war with Iran, it is his responsibility to come to Congress. Is that the agreement, I ask my colleagues?

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I am pleased to respond to my friend from Tennessee. I am actually very glad he raises the question, because I know at least one other Member of the Senate has similar concerns.

The interpretation of my friend from Tennessee of our intention in this resolution is exactly right, which is that there is nothing in this resolution that is intended to be an authorization for the use of military force in Iran by the President or government, military, of the United States of America.

This resolution's main focus is to essentially back up with a congressional statement the position President Obama has articulated; that no matter what happens, containment of a nuclear Iran is not an acceptable policy from the point of view of the security of the United States; that our policy is to prevent the government of the Islamic Republic of Iran from acquiring a nuclear weapons capability. That is exactly why clause 6 was put in there, to say we do not accept containment; that our policy is prevention of the Islamic Republic of Iran from acquiring a nuclear weapons capability.

But I want to be clear there is nothing in that language that Senator GRAHAM or I or Senator CASEY see as the authorization of the use of military force. If at any point circumstances in Iran require, in the judgment of the Commander in Chief, military action, then I expect—particularly if it lasts a period of time that would bring it within the purview of the war powers understandings—the President would come to Congress seeking explicit authorization for the use of military force.

This resolution supports the negotiations going on now between the P5+1 and Iran. It expresses our hope that it succeed so that the option of military force is not necessary. It is very significant in that it essentially says—and I will paraphrase it—we ought not to dial down the economic sanctions against Iran just because they have come to the table and maybe accepted one part of what we want them to do. They have got to show they have made a commitment for a verifiable end of their nuclear weapons program before we lift the economic sanctions. That is the real goal. And if they do not, they will face our policy of prevention, not containment. But this is not the authorization of the use of military force.

I thank my friend from Tennessee for raising the question and giving us the opportunity to respond, and I hope it reassures anyone else in the Senate who may have had that same concern.

With that, I yield for my friend from South Carolina.

Mr. GRAHAM. Senator CORKER asked a very good question, and I will answer it directly, as Senator LIEBERMAN did. The resolution is not designed to authorize the use of force where anybody in the State Department administration could say, we have the green light to go into Iran from Congress. That is not what we are intending to do. We are intending to echo a policy statement made by President Obama that the policy of the United States will be—if you are listening in Tehran—not to contain Iran if they obtain a nuclear capability.

I want to lodge an objection to my own resolution by my colleague RAND PAUL, who could not be here, so I am going to object on his behalf. He wants to strike two provisions of the resolution, although I don't think we can get there from here.

But in response to Senator CORKER, if he wanted to add a line into this resolution that it is not an authorization to use force, I will gladly do that so that nobody can mistake that. But here is what Senator PAUL suggested to me. What if they get a nuclear weapon. You know, we don't want to contain them. That is our policy. But what if we wake up one day and they explode a bomb out in the desert and they have already got it? What would we do then? Does that mean we would go after their nuclear program or would we try to contain them? It means, from my point of view, we should go after their program. So we have a difference.

If the Iranians think they can sneak through and get a nuclear weapon, and then we are going to contain them, it doesn't work that way. They need to know their regime survival is at stake if they go down this road. If by some accident of our intelligence being wrong—if that could be even conceivable, which I think it could be given this closed environment—they need to know we are not going to allow a nuclear-capable Iran, period.

But to this resolution not being an authorization to use force, I would say to Senator MENENDEZ that this last statement—which wasn't in the base bill—I don't object to that. This is not a declaration of war. I don't know why someone added Syria. We are not talking about Syria, but there are some people out there who want to limit the ability of the United States sometimes to defend itself. I want to put a sentence in your sanctions bill that all options are on the table, as they have been for months, if not years.

Mr. CORKER. To sort of end this colloquy—and I know Senator MCCAIN and Senator MENENDEZ wish to speak—I fully support every comment that has been made by the Senators from Connecticut and South Carolina. I am not associating myself with the comments of the Senator from Kentucky, which the Senator from South Carolina alluded to.

I would love for the Senator from South Carolina to insert that language into it, regarding the fact this is not an authorization for the use of force. But I want to say that is not because I don't support exactly the sentiments being laid out here. I do. I just want us to continue. I want the Senate to be a part of any action that might take place. Hopefully it won't. But if we end

up with kinetic activity, I want us involved in that so as a Nation we go forward—if that occurs—in a unified way. What I don't want is for us to end up where we have in the past, having partisan disputes.

With that, I yield the floor.

Mr. MCCAIN. Would the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Isn't it true that the President of the United States said that it was ''unacceptable'' for the Iranians to have a nuclear weapon?

I have a series of questions.

Mr. GRAHAM. Yes.

Mr. MCCAIN. So doesn't that mean the United States of America would reserve all options in case of an unacceptable situation where the Iranians continued—and we have seen no deviation from that path—toward the acquisition of a nuclear weapon?

Mr. GRAHAM. The Senator is correct.

Here is what President Obama said: All options are on the table when it comes to the Iranian nuclear program. Israel, I have your back. Containment is not an option.

I agree with the President. I think he has made the right statements, and I am just trying to reinforce them.

Mr. MCCAIN. So isn't it true that we are having this debate about whether this amendment or this legislation could be construed as an authorization or opening the door for military action; that the administration's policy is already very clear that it is unacceptable for Iran to have a nuclear weapon? And I am sure that, over time, the three of us could talk for a long time about the implications for the entire region of Iran, not just the threat to Israel but the entire region of an Iranian government which is, quote, going to wipe Israel off the map, which then, of course, would force other nations in the region to develop nuclear weapons.

Isn't it true that it has been a matter of national policy—both Republican and Democratic—that it is unacceptable? And that does not mean we automatically would use military force, but it does mean we would have to react to the development on the part of the Iranians of a nuclear weapon.

So this resolution we are considering is no different in any way—in fact, it is less specific than what the President of the United States has said and what I believe most every Member of the U.S. Senate is on record one way or the other saying: that the development of a nuclear weapon by Iran would be an unacceptable situation.

Mr. GRAHAM. Well, let me try to answer that.

Senator MENENDEZ and a group of us—Senators LIEBERMAN and CASEY and HOEVEN and myself—did the resolution in question today to echo the President's statement that we are not going to have containment as a policy.

There are some people—even Republicans, I might add, some very prominent Republicans—who believe you could contain a nuclear-armed Iran if you told them: If you ever use a nuclear weapon, we would wipe you off the face of the Earth.

President Clinton gave a very good answer to that situation. He said that the biggest fear he has is not that the Iranians would put a nuclear weapon on the top of a missile and hit Jerusalem and Tel-Aviv. That is a concern. His biggest fear is that they would share the technology with a terrorist organization. So that is why you can't ever let them get this capability.

So the resolution is basically echoing the statement of the President that containment is not an option. And it has 78 cosponsors.

Senator PAUL has the right to object, and he did. I don't think we can get there from here. I think he has a different view of what we are trying to do—honestly held, a good man, just an honest difference of opinion.

Back to the sanctions bill. Senator MENENDEZ did a great job, as he always does on things like this. The reason I found out about this and got so concerned is that section 603 is something that wasn't in the base bill. Again, it says: Nothing in this act or the amendments made by this act shall be construed as a declaration of war or an authorization for use of force against Iran or Syria.

One, nothing in here has anything to do with Syria, and I am OK with saying that. I don't want this to be a declaration of war or an authorization to use force; I want it to be a good sanctions bill. But if you don't have the other means available to stop the Iranian programs—as the President has indicated, all options on the table—that has to be said because we would be leaving a gap in our policy.

So to Senator MENENDEZ and Senator REID, all I am asking is that we insert a provision that basically echoes what the policy of this country is—all options are on the table, not just sanctions. And we will get a lot of votes for this.

Mr. MCCAIN. I know our friend Senator MENENDEZ is going to speak, but this is not any change in American policy toward Iran, both Republican and Democratic, and that is that there is an existential threat to the State of Israel and other countries in the region, other Arab countries in the region, that would be posed if the Iranians continued on their development of nuclear weapons.

So this resolution is an important statement on the part of the Senate and Congress, but to somehow say this is a major change in policy of any kind obviously flies in the face of the record of this President and previous Presidents as regards this issue.

I also would like to thank the Senator from New Jersey for his continued contributions to these national security issues.

Mr. GRAHAM. I would just close and yield the floor to Senator MENENDEZ. The Senator is right about the resolution. We are not coming up with a new idea; we are just reinforcing an idea put on the table by our own President—we are not going to contain a nuclear-capable Iran as a policy. It is not a declaration of war. It is not authorization of force. It is restating the policy at a time when it may matter.

Mr. MCCAIN. And if there were a need for military action, it is the view of all of us that we would come back to the Congress of the United States before any such action were contemplated.

Mr. GRAHAM. Well, here is my view about that. I think the President would be wise to include the Congress.

I am a conservative who thinks the War Powers Act is unconstitutional. I find it odd that our party for all of these years has railed against the War Powers Act until President Obama is in office, and all of a sudden we are great champions of the War Powers Act.

But what I would say is that it would be wise for the President to consult with the Congress and for us to be united. And if you do believe in the War Powers Act, he has to, within a period of time, come back to get our approval to continue. I think whatever the President needs to do to defend us against a nuclear-capable Iran is best made by the Commander in Chief consulting with the Congress. But you can't have 535 commanders in chief.

Back to the sanctions bill. The problem I have is that it is silent on a concept on which we all agree, and I don't want to create a document before the negotiations Tuesday that doesn't include something beyond sanctions to change the Iranian behavior that we all want to avoid. And this says: It is the sense of the Congress that the goal of compelling Iran to abandon efforts to acquire nuclear weapons capability and other threatening activities can be effectively achieved through—it goes through 10 pages talking about sanctions, and not once does it mention the possibility of military force, and that is what I want to add, that concept.

With that, I will yield the floor. I hope we can work this out.

To the Senator from New Jersey, I think he is a great guy, and I am sorry we are having this problem. But it is very important to me that we get this part of it right.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I appreciate the comments of both my colleague from South Carolina and my colleague from Arizona. They are leaders in this regard in terms of the national defense. And if I ever had a case, I would want Senator GRAHAM to argue it for me because he is a fine lawyer. I have seen that on the floor and I have seen it in his role as a reservist in part of, as I understand, the Judge Advocate General program. So he does a fantastic job.

Let me make some observations that I think are critically important.

No. 1 is that I share Senator GRAHAM's and Senator LIEBERMAN's concern and the desire to have the Senate on record as saying we do not and cannot accept an Iran that has nuclear power and nuclear weapons. That is why I signed on to their resolution. And I think their resolution moving exactly in tandem, parallel with the sanctions legislation that I played a significant role with the chairman of the Banking Committee, Chairman JOHNSON, and others to bring to the floor is incredibly important.

But let me make some observations.

First of all, in the committee itself, when it passed unanimously, all of our colleagues on both sides of the aisle had the opportunity to offer an amendment and/or language that would have done exactly what the Senator wants, and no one on either side of the aisle sought to do it because the focus was on the jurisdiction of the committee, which is economic sanctions—economic sanctions that have proven in their first iteration to begin to have real consequences to the Iranians: devaluing the rial by over 50 percent; creating challenges in their economy; closing the financial institutions they can deal with in the world; looking at their oil, having major discounts on their oil and finding it increasingly difficult to sell. And we have the opportunity to perfect that, to make it even stronger, even more viable before they head into negotiations and think they can buy time.

Now, it was silent when it came out of the Banking Committee. And, yes, in the managers' amendment there is that provision because, in fact, in order to deal with one of the objections of our colleague on the other side of the aisle, Senator PAUL, provisions saying that this was not a direct military authorization were included so that we could ultimately find the opportunity to pass it on the floor with unanimous consent—the same unanimity the Banking Committee had, the same unanimity we had when we passed the sanctions on the Central Bank of Iran. That unanimity sends an incredibly strong and powerful message to the Iranians.

So it was in the process of accommodating that Senator REID talked about over the last 2 months to try to get us to a point that we could pass legislation, that in the process of accommodating that, that language comes forward.

The concern is ultimately taken care of by Senator LIEBERMAN and Senator GRAHAM's resolution; that, in fact, the President has said, as the Commander in Chief of the country, that a nuclear-armed Iran is not an option; that containment of a nuclear-powered Iran is not an option.

This President has put all of the military assets that are necessary that did not exist before in the Persian Gulf to both respond to any incident or to initiate any action he thinks may be necessary. Therefore, those actions more than any words have made it very clear to the Iranians that is a real possibility if the national interests and security of the United States are ultimately challenged.

So I really think that insisting on the sanctions part of the legislation, that has the full force and effect of law and real consequences to the Iranians in their economy—which is the most significant way that we undermine their march toward nuclear weapons—is important to move, while you move independently the legislation that Senator LIEBERMAN and Senator GRAHAM have talked about, which is making the intentions or amplifying the intentions of the President crystal clear. But you should not hold hostage the sanctions legislation in order to accomplish a goal that should be taken care of by the Lieberman-Graham resolution, and you shouldn't hold it hostage when, in fact, you have a powerful tool to exercise before the next round of negotiations.

The Iranians must know that we are one of purpose, and that oneness comes by passing the sanctions unanimously through this Chamber and achieving, ultimately, their effects.

So that is the only point of disagreement with us. Don't hold the sanctions legislation hostage. None of our colleagues sought to include that language. And the language that is included is in response to a colleague from the other side of the aisle in order to be able to move the legislation. So you can't have your cake and eat it too. But we do need to have our ability to move the sanction before the Senate adjourns this week, and I think that will meet our collective interests as a nation.

There is only one piece of turf we should be fighting for; that is, the collective turf that is our country. That is what we can do by passing the sanctions legislation.

I hope Senator REID will have the opportunity to clear the way and to move it by unanimous consent and in doing so send a very powerful message on behalf of the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask consent the Senator from Delaware, Senator COONS, and I could have a colloquy for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STUDENT IMMIGRATION

Mr. ALEXANDER. The Senator from Delaware is not yet on the floor but I know he is coming. Because I know other Senators wish to speak at 2 o'clock, I am going to go ahead with my remarks. When he comes I will let him go ahead with his.

Each year, approximately 50,000 foreign students receive advanced degrees from universities in this country in the areas of science, technology, engineering, and mathematics. We call those in shorthand STEM degrees—science, technology, engineering, and mathematics.

Of those 50,000 students, at least 17,000 go home to other parts of the world. These are some of the brightest men and women in the world. They are attracted to the best universities in the world. I always say our universities, our great research universities especially, are our secret weapons for job growth. Since World War II, many estimates by the National Academy of Sciences suggest that more than half of our new jobs have come from increases in technology. It is very hard to think of any important new innovation in biology or in the sciences that has not had some sort of government-sponsored research over that time. So our research universities are job factories and our advanced degree holders are the ones who come up with the great ideas.

As a former president of the University of Tennessee, which is a fine research university, I know that increasingly in the science, technology, engineering, and math programs in those universities many of the students are from other countries. These students line up in India and compete, hoping they will get a chance to come to the United States. They have done the same in China. They do this everywhere in the world. About 17,000 of those 50,000 who come for advanced degrees go home each year.

Yesterday, Senator COONS and I introduced legislation that would help those 17,000 students, and we hope more who may come, to come to the United States, get their advanced degrees in science, technology, engineering, and math, and then stay here and create jobs in our country instead of going home and creating them in other countries.

I will have to admit there is a value to students who go home. It is probably our best foreign diplomacy, to have someone come from another country, live here, learn our values, go home and explain those at home. But we want the next Google to be created here, not in China. We want the brightest people in the world. If we are going to attract them here and provide education for them, we want to give them every opportunity to come here. And today we make them go home because of our immigration policy.

The legislation Senator COONS and I introduced yesterday now has the support already of at least two other Senators, Senator LUGAR and Senator ISAKSON, who have asked to cosponsor. It would, No. 1, create a new student visa for citizens of other nations who want to come here and pursue a master's or doctoral degree in science, technology, engineering, and math. No. 2, once they get that degree, the new visa created in this bill would allow them to remain here for 12 months, to look for a job. And, No. 3, once they are employed, the bill establishes a procedure to allow students to change their immigration status and to receive a green card. Finally, these new green cards would not count toward any existing green card limit.

This idea is not new. It has as much support outside of the Senate Chamber as any idea I know about—from companies such as Microsoft, which tells us they have 2,600 jobs available that require computer science degrees that start at $104,000 a year. They would like to have these students work here and create jobs for us. We know from our own experience the importance of these green-card holders.

The Oak Ridge National Laboratory in Oak Ridge, TN, is probably the greatest engineering laboratory in the world. Who runs it? Dr. Jeffrey Wadsworth ran it. He had a green card from the United Kingdom. Dr. Thom Mason, who is there now, had a green card from Canada. Thomas Zacharia, the current Deputy Director at ORNL and the father of supercomputing, has a green card from India.

We want them here, not in India, not in the United Kingdom, not in Canada.

I greatly appreciate the leadership of Senator COONS of Delaware on this issue. He has worked hard on it. He has been a leader on it.

I only have one more thing to say about it before I step aside and let him talk about his ideas. In 2005, we began to work on something called the America COMPETES Act in this body. In 2007 we passed it. It was sponsored by the Democratic leader and the Republican leader. It had 35 Democratic sponsors and 35 Republican sponsors. It passed the House. It was reauthorized last year. We asked the best minds in our Nation to tell us what would be the 20 things we could do as a Congress to make sure we are competitive in the future so that we can keep this high standard of living we have come to enjoy. It is a very high standard of living. We have about 5 percent of all the people in the world. We have about 25 percent of all the wealth in the world that we produce each year. How can we keep doing that?

They gave us these 20 ideas and we passed many of them. It is one of the great successes of our Congress over the last several years, working together. One piece of unfinished business from the America COMPETES Act of 2005 and 2007 was to pin a green card on the foreign student who gets a graduate degree in science, math, technology,or engineering.

The legislation Senator COONS and I offered yesterday would do that. I greatly value his leadership and his approach. I hope we can work with our colleagues on both sides of the aisle to take this idea, turn it into a law, and give our country more of an opportunity to create new jobs as we move forward.

I already asked permission for the next 15 minutes that Senator COONS and I would be in a colloquy. I wish to defer to him for his comments at this time.

Mr. COONS. I thank very much Senator ALEXANDER. I cannot think of a better person to partner with, to seek advice and guidance and leadership from, on the issue of STEM immigration and education reform than Senator ALEXANDER, a national leader on education policy. Like me, Senator ALEXANDER is the son of a former classroom teacher, but also served as the U.S. Secretary of Education and president of a prominent university, the University of Tennessee. He knows firsthand of the challenges, of the opportunity lost when tens of thousands of foreign nationals, who come here and seek the opportunity to get STEM master's and doctoral degrees in some of our best universities, are then forced to return home to their nation of origin rather than being able to stay here, if they choose, to create jobs, grow businesses, and contribute to our country and our economy.

As someone who, before running for public office, worked with a highly motivated materials-based science company that employed over 1,000 researchers, I too have a sense of what great contributions immigrants have always made to this country, but particularly in these areas of innovation and how they can contribute to our competitiveness.

Senator ALEXANDER's closing comments about the America Competes Act is where we start this conversation. I came to this Senate knowing that my predecessor from Delaware, Senator Kaufman, had been a strong supporter of the America Competes Act, one of the few engineers to serve in the modern Senate. I was happy to take up the cause and press for its reauthorization in the waning days of the 111th Congress.

I met with Senator ALEXANDER last year and we talked about this as one of the most promising unfinished pieces of business in that critical report, ''Rising Above The Gathering Storm,'' and in that vital piece of legislation, the America Competes Act. As Senator ALEXANDER had referenced, the America Competes Act was passed with strong bipartisan support. That was the sort of thing that was focused on moving America forward by identifying strong ideas that had support across the whole country and a lot of different sectors and from both parties. It is my hope this is the beginning of building a strong bipartisan coalition on moving forward on immigration reform.

Let me talk for a minute, if I could, about our history and tradition of immigrants contributing to our country, being a strong part of job creation and growth here, and in particular immigrants who come to this country to be educated in STEM disciplines—science, technology, engineering, and math.

If you think about it, for most of the last century we had some of the strongest universities in the world. For much of the last 50 years, anyone who came here from a foreign land to get a doctorate in a STEM discipline, if they chose to go home, was going home to a country that wasn't a competitive environment. The United States—because of our advances in workforce and infrastructure and our legal system, our entrepreneurial culture, our capital markets—was the world leader in innovation and competitiveness. This is no longer the case. We still have the strongest universities in the world, 35 out of the top 50, but today those 17,000 STEM doctoral and master's graduates that Senator ALEXANDER referred to, when we force them to go home to their country of origin rather than allowing them to compete for those jobs here and contribute to the American economy, are finding open arms in nations such as India and China, which are vigorous competitors. They are providing the capital markets, the infrastructure and the workforce, the resources to take advantage of those opportunities. We need an immigration system that responds to the modern economy and the opportunities of a highly competitive modern world. Rather than hemorrhaging these highly skilled folks and having them return home, we should give them an opportunity to participate in being job creators here.

The numbers bear this out. If you take a look at the Fortune 500 companies today, more than 40 percent of them were founded by immigrants or their children. Folks who had come to this country recently from other parts of the world have established companies that employ more than 10 million people worldwide and have combined revenues of more than $4 trillion, a figure greater than the GDP of every country in the world except the United States, China, and Japan. Immigrant-founded startup companies created 450,000 jobs in the United States in the last decade, and collectively they have generated more than $50 billion in sales in a single year.

Let me give one example that has meant a lot to me. I became friends with the founder of Bloom Energy, KR Sridhar. In his native India he got his undergraduate degree, but he came to the United States to get his doctorate in mechanical engineering and then went on to be a researcher at NASA's Ames Center and made a critical invention in solid oxide fuel cells. He runs Bloom Energy, which has already created 1,000 jobs. Last week the Governor of Delaware and my senior Senator, TOM CARPER, joined others at the site of a former shuttered Chrysler plant for the groundbreaking of a facility that Bloom Energy will make possible.

Why would we want a capable, bright contributor to our economy like KR to be forced to go home to his country of India, rather than welcoming him here and giving him a chance to participate, to contribute, and potentially become not just an American business leader but an American citizen? We need to make it easier for the next generation of inventors and innovators to create jobs here.

This bill, as Senator ALEXANDER has laid out, is relatively simple. It creates a new class of visas for foreign students to pursue STEM master's and doctoral

degree programs, and allows us to continue a conversation about how do we recognize the longstanding central contribution to our economy, our culture, and our country of immigrants.

I believe there are other areas of immigration reform that have to be on the table, that we have to move forward on. I am eager to move forward on family-focused reform and on other areas as well, where I am a cosponsor of other immigration bills, but my hope is this legislation will get the attention it deserves, will get the broad support from Members of both sides of the aisle it deserves, and that it will form part of a compromise that will address the needs of all the stakeholders in immigration reform in a responsible and balanced manner.

This legislation is not the end of the road, but it is a critical step forward in making sure we continue a bipartisan, thoughtful, and constructive dialog on how do we deal with an immigration system that is broken and that doesn't make America as competitive as it could be.

If I could, I want to close by thanking Senator ALEXANDER for his leadership, for allowing me to work with him and to produce a bill that is streamlined, that is simple, that is accessible, and that I think can contribute to making America a land that continues to welcome and celebrate the real job creators, inventors, and innovators from all parts of the world.

Mr. ALEXANDER. Mr. President, Senator COONS is one of the most eloquent speakers we have in the Senate. He did a beautiful job in explaining the bill. I hope it attracts support from both Republicans and Democrats. He mentioned the fact there are other immigration issues—and there are. There are a number of ones I wish to work on and get something done. I was here when we tried to get a comprehensive immigration plan a few years ago. It had strong bipartisan support, but one of the lessons we learned in that effort was that we do not do comprehensive well here in the Senate. Sometimes it is better to go step by step. That has been true for a long time.

We remember Henry Clay as the Great Compromiser, but Henry Clay's greatest compromise was not passed by Henry Clay. He failed. It nearly ruined his health and he went to Massachusetts to recover from it. A Senator named Stephen A. Douglas, from Illinois, the home of our assistant Democratic leader, came to the floor and introduced the Clay compromise section by section and each section passed with a different coalition, with Senator Sam Houston being the only Senator who voted for each one of them. So my hope is that with the broad support we have for this very simple idea—pin a green card on the lapel of a gifted graduate of an advanced program in science, technology, engineering, and math, and allow them to stay here and create jobs here instead of forcing them to go home—I hope we have such strong support for this idea that we can go ahead and pass it, and then we can follow that up with the other necessary steps we need to take on immigration, and hopefully we can do that with a coalition that represents Democrats and Republicans as well. This is a great idea.

Somebody might say: Well, why don't they just do it the way we do it now? Right now, it is H 1B visas. As everyone who is an employer knows, they are complicated, burdensome, and there are not enough of them. This is simple. It is a new visa. They get it if they are admitted, and they get to stay 12 months while they look for a job. If they get a job, they get a green card, and there is no cap on the number, and that is the idea.

I thank Senator COONS for his leadership. I look forward to turning this good idea, this piece of unfinished business in the bipartisan America COMPETES Act, into law.

Mr. COONS. In closing, I will just say that the economics of this legislation are simple, but, as Senator ALEXANDER and I recognize, any step toward immigration reform is complicated. Making it easier for foreign-born, American-educated innovators to stay in the United States is just one aspect of many of the urgently needed steps to reform our outdated immigration system.

I see that Senator DURBIN has come to the floor. I am proud to cosponsor the Dream Act. I also support the Uniting American Families Act. There are other pieces of legislation that are essential to allow us to recognize and to strengthen the role immigrants play in the fabric of our country. I think this opportunity today to move forward on a bipartisan bill that focuses on this one area without caps, with a new class of immigration visa, is an important contribution to moving this discussion forward for all of us.

I thank Senator ALEXANDER.

Mr. ALEXANDER. Thank you, Mr. President.

I yield the floor.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

POSTAL REFORM

Mr. DURBIN. Mr. President, today the Postmaster General announced that the Postal Service would begin the process of consolidating about 140 processing facilities around the country. Despite the harsh realities of this announcement from the Postmaster General, there are a few bright spots in Illinois.

The processing facilities in Springfield and Fox Valley, which the Postmaster General had originally slated for closure, will remain open. Additionally, I am glad that the Postmaster General has heeded our calls to keep Illinois jobs in Illinois and other jobs in the States where the processing facilities currently exist. The Postmaster General's original plan would have potentially sent over 500 Illinois postal jobs to surrounding States, along with the mail they have processed so efficiently for so many years.

Beyond the postal employees, the Postal Service supports tens of thousands of private sector jobs in Illinois, which is the center of the mailing and printing industry.

Certainly, today's announcements are difficult for my constituents who live in Quincy and Rockford, Carbondale and Centralia, Bloomington and Effingham. I have consistently insisted—and the Postmaster General assured me—that we are going to avoid layoffs and that all of the employees in these facilities will have the opportunity to pursue another role in the Postal Service or to accept, if they wish, early retirement incentives. I am told none of these facilities will close before the end of the year.

As I said, today's news is disappointing and difficult for many in my State, including postal customers, postal employees, and small businesses. Still, I think it is important to note how far we have come from the Postmaster General's original plan to where we are today. Originally he sought closure of 250 processing facilities nationwide—today's announcement, 140—and called for the closure of 3,700 mostly rural post offices.

In Illinois, the Postal Service originally targeted 9 plants for closure which employ over 1,800 people. After countless hours of meetings and hard work and a great deal of floor debate, we have moved off the potentially destructive path.

Let me say this too, Mr. President. You know this subject better than any other Member in the Senate. We met in my office with the Postmaster General—I believe in November or early December—sat down with him and said that his proposal to reduce the number of post offices and processing facilities could be the death knell of postal service as we know it today.

You will remember that we challenged them. We said: Mr. Postmaster General, do not make any of these changes until May 15. Give Congress an opportunity to come up with a way to save money for the Postal Service, to preserve the Postal Service, and to do it by way of legislation, which is why we were elected.

He reluctantly said he didn't want to do it. Reluctantly he gave us a letter and said: I won't do anything until May 15. I will give the House and the Senate a chance to do their work.

If you will remember, Mr. President, I called Senator LIEBERMAN, chairman of the administration committee—the government operations committee, and said to him: With this jurisdiction, we have to roll up our sleeves and get to work.

He said: We are ready. Senator COLLINS and I and Senator CARPER and others will work together to pass a Senate bill that achieves Postal Service reform in a fairer way.

And he did.

The same day, I called Chairman DARRELL ISSA, the California Republican chairman of the House committee with the responsibility for the Postal Service. I said to Chairman ISSA: We now have until May 15 to do our job, to pass a bill in the House and the Senate and get it to the President, and now the clock is running.

Mr. President, you will remember that we had a break over the holiday, and when we came back we were anxious. We didn't want to waste any time. Let the record show that at the end of the day, the Senate, on a bipartisan basis, passed the postal reform bill. Thirteen Republicans joined 49 on the Democratic side and passed a bipartisan bill.

Well, what happened in the House? The answer is nothing happened in the House. The House of Representatives failed to do their job. They failed to pass Postal Service reform. To my knowledge, they didn't bring a bill to the floor. And then May 15 came. The Postmaster General kept his word and waited, and then he made this announcement.

If the Senate bill that we passed had become the law of the land, today's announcement would have never taken place. We set up a process for post offices and processing facilities to be evaluated in terms of their efficiency and costs that I think was sensible, reasonable, and would have saved money. We didn't get to that point because the House failed to act. That is the harsh reality of why we face what we do today.

Only the Speaker of the House and his majority can explain why they didn't accept the challenge to legislate. My question to them is, If you are not here to legislate, why are you here? An issue of such national importance as the future of the Postal Service should have been done, as it was in the Senate, on a bipartisan basis in the House of Representatives. We did it here. We worked together. I cannot even remember how many amendments we considered, but we labored through every single one of them and got it done.

Now I look around my State and see six or seven major processing facilities closed, and it breaks my heart because what we did in the Senate would have avoided some of those. It would have at least put a process in place that was a lot fairer.

Well, my last word to the Members of the House is that it is not too late. It is not too late to accept the responsibility and to pass the Senate bill if you can't pass one of your own. Call our bipartisan Senate postal reform bill to the floor. At least give it a vote in the House of Representatives.

If they can pass it, let's send it to the President, and perhaps before the end of the year we can actually save some of these postal facilities.

I don't want to create false hope because I couldn't believe that May 15 would come and go and the House wouldn't act, but that is what happened. So let's hope that changes for the better.

I am going to continue to work with the Presiding Officer as well as the President of the United States and all of the committee members. The Postal Service is something special.

I will close by saying this. When they ask Americans what they think of people who work in the Federal Government, they don't always have the highest opinion—including Members of Congress. But when you ask them about what branch of the Federal Government they have particularly positive feelings about, it is the Postal Service. You know why, and I do too. It is that letter carrier who is looking in the window and waving at your mom to make sure she is OK each day, and she looks expectantly for the delivery of the mail even if it is just some circular. That is that visitor each day who keeps her in touch with the world and our Nation in touch with itself. That is the Postal Service.

I just went into the Springfield post office, my local branch, recently, and they couldn't have been kinder or more courteous, helping all the people who were there. Our postal employees are some of the best Federal employees in America, and I am proud of what they have done. I am sorry they are going through this change. It is not something we wanted to see happen.

We are going to do this in a way that is good for the future of the Postal Service. I hope the House will join us in this bipartisan effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

STUDENT LOAN INTEREST RATES

Mr. REED. Mr. President, I am joined by my colleague, Senator BROWN of Ohio. We are extraordinarily apprehensive that in 45 days the interest rate on subsidized student loans will double in the United States. Young people and middle-aged people who are struggling to educate themselves and reeducate themselves will be faced with a tremendous increase in the cost of college and postsecondary education. The interest rate will go from 3.4 percent to 6.8 percent. This is particularly ironic when the Federal Reserve routinely lends to large banking institutions huge sums of money at less than 1 percent. So this is a huge impact on middle-income Americans who are struggling with so many challenges: housing costs, employment problems—the whole plethora of issues they face.

It is estimated that more than 7 million students, including 43,000 in Rhode Island, will suffer because of this doubling that will take place. A lot of our colleagues have said: Of course we don't want to see this happen. I thought it was terribly ironic yesterday that they, with very few exceptions, voted consistently for budgets that would, in fact, double the student interest rate. In fact, one of the budgets they voted for previously, the Ryan budget from the House, would also eliminate the in-school interest subsidies for certain loans. So there is this incongruity between, oh, we are all for keeping interest rate low for students, but, of course, in our budget we double it.

There is another problem, and it has been reported in so many different national and local newspapers. There is a huge problem with student debt. We have reached the $1 trillion mark in student debt. This could be the next big, huge bubble we face financially. It certainly impairs the ability of young men and women when they graduate to go and take the job they want, to buy the house they want, because they are struggling with huge debts, and we are adding to that by doubling the interest rate.

This is a policy issue, but it is also an intensely personal issue. I received letters from many constituents about the potential impact, and I know Senator BROWN from Ohio has as well. I wonder if the Senator has some comments at this point.

Mr. BROWN of Ohio. I appreciate the work of the Senator from Rhode Island and Senator HARKIN. Of course, Senator REED has been working on this issue for months and months. I am still amazed that the Senate refuses time and again and the House refuses to do the right thing.

This started back in 2007. It was bipartisan with President Bush, with the Democratic House and the Democratic Senate. The Presiding Officer was involved, Senator REED and others, and we passed it. We did a 5-year freeze of interest rates. Now the bipartisanship seems to have gone, and repeatedly this body has either failed to step up or actually voted no or voted wrong in some cases to move forward on this.

As Senator REED has said, I, too, have tens of thousands of people—380,000 Ohioans—who are now in the Stafford subsidized loan program. It will mean about $1,000—as it will in Rhode Island—per student, per year if we fail to act by July 1.

I have been at four campuses just in the last month or so. I have been at a community college in Cleveland, the University of Cincinnati at the other end of the State, Wright State University in Dayton, and Ohio State University in Columbus. I saw students—one was from the Young Republicans on one of the campuses and others are Democrats—trying to find a way to pay their bills. They are working-class kids, middle-class kids, poor kids—kids who want to find a way to get ahead.

We hear the same stories over and over, but let me just share one. On my Web site people sign up and come to the Web site and tell their stories. I will just share one of them. I know Senator REED has been hearing from people in Providence and Warwick and all over his State also.

This comes from Dorothy in Mount Sterling, OH. She wants to be a special ed teacher. Dorothy says:

I never thought that student loans would have such a huge impact on my life. I am studying to be a special ed teacher. I really want to make a difference so that our youngest generations have an equal opportunity to succeed in life.

I rely on student loans to pay for my education and assist me in times of need in this harsh economic climate.

Higher interest rates mean that I will never be able to afford a home, a reliable vehicle. I will never be able to provide for my family, and I will always feel in debt for trying to make myself a better person and trying to be a better citizen for our country and the State of Ohio.

If given the chance for a better job opportunity outside my area of expertise, I would surely take it into great consideration. I know that in the years to come, I will desperately be looking to relieve myself from the cost of my college education.

I feel like I have been punished for wanting an education and wanting to better myself so that I can better the lives of others. I just wanted to make a difference and I am fighting against those who do not even realize what it means to truly struggle.

Please don't stop fighting for me.

We can hear the desperation. We can hear the focus she has on community service and public service, but we can also hear the view that she is being undercut by decisions we are making—or not making.

She also said something else that was pretty interesting. When we saddle these young people with loans, the average 4-year graduate in Ohio has about $27,000 in debt. When we pile more on Dorothy or somebody in Rhode Island or Vermont, it means they are less likely to buy a house, less likely to start a business, less likely to start a family. It is morally wrong to stand in their way or make it harder.

Think what it does to the economy too. I want people such as Dorothy to get an education without huge debt, to buy a home, to begin to provide and prosper and lift the whole community; people who are productive workers and who care about the community. We have no business taking that away from Dorothy and people like her and adding to her debt. That is why we have to do this first.

Mr. REED. Mr. President, if I could reclaim my time, the Senator has been a tremendous leader on this issue because he leads from the front. He is in Ohio. He is talking to students and families. He understands the personal ramifications that are involved.

Let there be no mistake. This is a program that benefits middle and lower middle-income Americans. Nearly 60 percent of the dependent students who qualify for subsidized loans come from families with incomes of less than $60,000. This is not a perk for the superwealthy. Nearly 70 percent of independent students—that is the term of art for those adults or older people who may have some previous training but they have to go back to the community college to get a certificate and are trying to transition from a job that was shipped overseas to one they think they can get here.

Nearly 70 percent of independent students borrowing these loans have incomes of less than $30,000 a year. So we are talking about people who cannot afford a doubling of the interest rate.

But there is another issue too. It is not just, as Senator BROWN pointed out, to fulfill legitimate and, in fact, admirable personal ambitions of establishing oneself in a community by buying a home or raising a family; this is about our future, our productivity as a nation, our ability to compete in an incredibly difficult international, global economy.

We have looked at the statistics at universities such as Georgetown University. Their Center for Education and the Workforce said over 60 percent of the jobs by 2018—a few years from now—will require some postsecondary education—60 percent. But in 2010, only 38 percent, roughly, of working adults held a 2-year or 4-year degree. So we have this gap, a 20-percentage point gap, between the skills we need through postsecondary education and the skills we have. We hear not just from analytical papers that are done by think tanks; we hear it every time we go back to either Ohio or Rhode Island because employers come up to us and say: I have jobs to fill, but I can't find people with the skills, the training that I need to give them a job.

Mr. BROWN of Ohio. Will the Senator yield?

Mr. REED. I am happy to yield.

Mr. BROWN of Ohio. Senator JACK REED from Rhode Island is one of the few graduates from West Point in this body and served his country in so many ways and still does. But I think about JACK REED when I think about what happened with the GI Bill after World War II. We want to help individual people with keeping these interest rates from doubling, but we know when we help lots of individual people we help society as a whole.

After World War II, literally millions of young men and women returned from fighting for our country, came back to the United States, and the government was farsighted enough in 1944 under President Roosevelt, who signed the GI Bill, to prepare for this huge wash of young men and women coming back from the war. We as a nation were smart enough back 65, 70 years ago to help millions of those young men and women one at a time with their education.

But here is what else it did: Those millions of students who benefited from the GI Bill gave so much to society. Perhaps our best times economically as a nation in the 1940s, 1950s, 1960s, and 1970s came out of the GI Bill because when government helps in partnership to give opportunity to thousands or hundreds of thousands or millions of people, it also helps the country as a whole, and that is part of our philosophy in public service in many ways.

So what these Stafford loans, these subsidized loans do, as do Pell grants—and we are seeing efforts to cut Pell grants by the House of Representatives too, which is just the stupidest thing ever in my mind because I don't understand the way some of them think—but when we provide opportunities for Stafford loans, subsidized loans, or Pell grants, it is helping people such as Dorothy and people in Rhode Island and Vermont. It is helping people in Mansfield and Toledo and Cleveland and Garfield Heights. I think it is one of those things that is hard to understand why we would not do this.

I wanted to ask Senator REED a question, if I could. He explained on the Senate floor one day how Republicans have said they are for this now, that they don't want to double the interest rate—although I am not sure of that from some of their activities. The Senator from Rhode Island has talked about the way we want to pay for this versus the way they want to pay for this.

I know the Senator talked about closing tax loopholes, and they talked about sort of playing college students against women needing mammograms by cutting health care—if the Senator could explain that to my colleagues.

Mr. REED. I would be happy to, reclaiming my time. First, let me echo what Senator BROWN said, how this is about being competitive. When he talked about the Pell grants, I have to reference my colleague and predecessor, Claiborne Pell, because he seized on the lesson of the GI Bill and said: Let's extend it broadly to college students. So Pell grants, Stafford loans, all of those vehicles were created. Frankly, I think that is not only the reason we have led the world and the Nation in creativity, but it is the reason America, as well as—and probably better than any other place in the world, was able to proliferate computers and technology, et cetera, because we have a literate, well-educated citizenry who first could invent these devices and then could use them properly. We are in danger, if we don't continue to support education, of losing our innovative edge and losing our capacity as a people to adopt innovation and technology and to continue to lead. For all of these reasons, our economic future is linked to continuing to support higher education.

There is another point I wish to make before I talk about the way we have proposed to pay for this; that is, there have been some on the other side who say the problem is that tuition is going out of sight, and we are contributing to those tuition hikes. Well, under the subsidized loan program, the maximum borrowing is $23,000. So this is not the driving force. Colleges have to recognize they have to rein in costs, but this is not the driving force. This is the way so many families are able to make it through college and make it into the economy and move up the economic ladder.

But what our colleagues have said is they are all for preventing this doubling. Of course, yesterday they voted consistently, with very few exceptions,

to double the interest on Stafford loans. So what they say and what they do sometimes are different.

But then they said the real dispute is how to pay for it. They want to pay for it by going after the money in the prevention fund, which is part of health care reform. But this prevention fund is absolutely critical. As Senator BROWN indicated, people need diagnostic tests. They need to be able to go to a medical facility and get advice, assistance, and tests so they can avoid problems. That is not only sensible for the individual; that is the only way we are going to get a handle on the proliferation of costs in the health care sector.

One of the ironies of our current health care system, pending the, we hope, implementation of the affordable care act, is that we have millions and millions of Americans who have no real access to health care, no access to preventive care, no access to simple things such as cheap pharmaceuticals to control cholesterol until they get to be 65 years old. Then they go into the doctor's office, and they have Medicare. But their problems are so much more expensive.

I was speaking to ophthalmologists in my office, and they said: You are absolutely right. We see people come in for the first time with health care under Medicare who have serious problems such as diabetes and glaucoma. If we had seen them 10 years ago—if a physician had treated them—through a prescription or another very inexpensive therapy, they could have avoided these tremendous costs. That is what they are going after.

By the way, that is, to me, another middle-class program because, frankly, if one is well off and well situated financially, one will get all the preventive care one needs. It is those people who are struggling in the middle class and moving into the middle class who need this prevention fund.

So what we have proposed—is not to attack another benefit, or a smart, wise, cost-effective approach to health care that would benefit middle-income Americans—instead we are going after a tax dodge, plain and simple. This is a tax dodge that has been called out by the Government Accountability Office as something that has been used to avoid over $23 billion in taxes on wages in 2003 and 2004—a huge gulf.

In 2005, Treasury Inspector General for Tax Administration called this loophole a ''multibillion employment tax shelter.''

Let me tell my colleagues how it works. An individual who is a professional—a lawyer, an accountant, a consultant, a lobbyist—and the skills of that individual represent what he or she does as a lawyer, an accountant, et cetera. They are personal skills. But instead of being paid by an employer directly, they substitute a subchapter S corporation so they are now an employee of the corporation. They take a minimum a salary, if you will, from the corporation, but then at the end of the year, the corporation gives the individual the surplus as a dividend, which is taxed much cheaper, so the person can avoid payroll taxes. It is legal, but it is a tax dodge. It is a loophole.

This loophole is so egregious that conservative columnist Bob Novak called it out, Sean Hannity of Fox News called it out, and the Wall Street Journal called it out saying it is a simple way to avoid paying payroll taxes, Medicare taxes, as well as other employment taxes.

Closing this loophole is sound policy. We should do this anyway. But when we do it in conjunction with this student lending, we actually are able to help struggling families and close an egregious loophole.

What some of our opponents have suggested is that this is just another tax increase. We have been very careful. We restrict these to professional endeavors. We also restrict the impact to those making over $200,000 a year. So this is not targeted at the mom-and-pop stores. This is not targeted at the local laundry or the local dry goods store or the local hardware store that is organized as a subchapter S. In fact, Politifact, one of the agencies that does independent analyses of various claims, clearly rejected this characterization as a tax increase on the mom-and-pop stores and on the small business companies and the job generators as false. So we have not only a sensible, but a compelling way to pay for this.

So everyone agrees we can't let this happen on July 1. We have an egregious loophole that should be closed anyway to pay for it, and I suggest we move on. Just, procedurally, let's bring this to a vote. If they want to put up the prevention fund for a vote, if they want to put up any other means to pay for it, fine.

Let's have our vote, and let's avoid the doubling of student loan interest rates on July 1.

I know the Senator from Ohio has some comments.

Mr. BROWN of Ohio. I thank the Senator.

I appreciate that explanation because this is a tax loophole that almost anybody who is fair-minded about this sees as a giveaway to some. They call it the Newt Gingrich-John Edwards tax loophole, to be bipartisan, where each of them benefited by tens of thousands of dollars. Again, they did not cheat; they did not break the law. They just took advantage of a tax loophole I would think everybody here would want to close because most people play it straight.

Their income is their income. They pay the Medicare tax on it. This is a case where they do not. We, I thought, believed in some fairness in taxation. But back to the individual people who will benefit from this. That is why Senator REED is involved. That is why the Presiding Officer and Senator SANDERS, I know, care about this issue.

Let me share, in closing, one last letter. This came from Courtney in Galloway, OH:

> I, like many other students, always had a college savings account. I remember putting birthday and holiday money in it every year, and I always assumed that it would pay my way through college.
>
> Before I even made it to high school, though, my grandmother fell gravely ill and my family had no other choice but to use my college savings to pay for her hospital bills, and eventually, the funeral.
>
> Since then, paying for college has been my own responsibility.
>
> All the loans are in my name, and it is a burden that is constantly hanging over my head. I am less than a year from graduating—likely with honors—from The Ohio State University with a degree in Social Work, but instead of being excited and looking toward my future, I am constantly worried about my loan debt and the possibility of rising interest rates.

If I could interrupt the letter for a second, think about that. She is about to graduate. She wants to serve the country. She wants to serve her community. She clearly grew up with the right values—putting money aside, not spending it on things she wanted to do—when she was mowing lawns or babysitting or whatever she did in her teens, putting money aside and then spending it on her grandmother's medical expenses, and now she is worried.

Upon graduation—a wonderful moment in her life—she is anxious about what this all means. In the life of a social worker, she is not going to make a lot of money, obviously. That is what she wants to do. Yet she is going to be facing these bills for years to come.

She said:

> I know that, as a future Social Worker, I will be not making as much money as people in other professions, but helping others is where my heart lies.
>
> Unfortunately, I may be limited in the positions I can take if my interest rates increase.
>
> Maybe even unable to work within the populations I am truly interested in helping—veterans, the homeless, and senior citizens if the pay would render me unable to pay off my student loans.
>
> I am very passionate about my education, and hold no grudges . . . for what needed to be done, but the threat of rising student loan interest rates has affected me in a very serious way, and I feel as though it is something that I have no control over, which is a very heartbreaking feeling.

She may not be able to pursue the public service she wants to do as a social worker because her loan debt is so heavy. How dare people in this body make a decision by inaction or make a decision by doing nothing to heap more burden, put more debt on Courtney's shoulders. How dare they and how shameful it is that we simply cannot get bipartisan agreement—which we had 5 years ago with President Bush—to move forward on this and close a tax loophole to pay for it.

Do not put Courtney up against somebody who needs an immunization or a breast cancer screening or a prostate cancer screening. Close the tax loopholes, move forward on this, take the anxiety off of Courtney and others

as much as we can and do the right thing.

I yield.

Mr. REED. Reclaiming my time, again, let me thank the Senator from Ohio for his leadership, for his passion, for his commitment. We are hearing from the other side that this is just about how to pay for this necessary legislation to prevent the doubling of the interest rate. We have offered a compelling way to pay for it in terms of closing this egregious loophole. They have, as Senator BROWN indicated, once again, put on the chopping block, if you will, preventive services for families across this country and potentially the most sensible way to begin to reduce our health care costs over time.

They have—when they have wanted to—completely ignored paying for things such as tax cuts. We have seen that. Just recently the House passed the so-called Small Business Tax Cut Act with no offsets. So to literally hold these students hostage to their unwillingness to bring the bill to the floor, to debate it vigorously—to vote on their proposal to pay for it and to vote on our proposal to pay for it—is, I think, unfortunate, if not unconscionable.

We have 45 days left.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

PDMRA PROGRAM

Ms. KLOBUCHAR. Mr. President, I rise today to urge my colleagues to join me in passing a critical bill that keeps the faith with the men and women of our Reserve Forces.

Representative KLINE, a Republican Congressman from Minnesota, has led this effort in the House. I am leading it in the Senate. It affects troops from all over the country, a promise that was made to them that must be kept.

My home State of Minnesota has no large Active-Duty bases, but we have a long and proud tradition of military service in our National Guard and our Reserves.

Throughout every military engagement since the Civil War—including the two wars we have fought over the past decade—Minnesota's National Guard members and reservists have served with courage and honor to defend our Nation overseas.

In fact, it was a ragtag group of workers and farmers who signed up for the precursor of the National Guard during the Civil War, who went to the Battle of Gettysburg and had the highest percentage of casualties of any unit in the Civil War. There is a big monument for them honoring the fact that they had that high rate of casualties. In fact, they held the line for troops to come in in the Civil War.

The wars in Iraq and Afghanistan have highlighted the importance of our brave citizen soldiers across the country and the unprecedented sacrifice they have been called upon to make. The National Guard and Reserves were not built to serve as an active-duty force for prolonged periods. Yet at times as many as 40 percent of the American forces fighting in these wars have been Guard and Reserve troops. I say to the Presiding Officer, I know you know that, being from Vermont, where you have many National Guard troops who have served our country.

Just last month, about 3,000 members of Minnesota's National Guard First Brigade Combat Team—our Red Bulls—returned home from a year of service in Kuwait assisting the drawdown in Iraq. Some of these men and women were not serving for their first, second, or third time. I met these soldiers. Some of them were serving for their fourth time, for their fifth time, some even for their sixth time.

The repeated mobilizations and overseas deployments of Guard and Reserve units have profoundly affected families and communities in Minnesota and across the Nation. That is part of the reason we pushed so hard to bring those troops home from Iraq. That is also why, in 2007, in recognition of the extraordinary sacrifices our servicemembers and their families have made, the Department of Defense created the Post Deployment/Mobilization Respite Absence—or PDMRA, as it is called—Program.

The PDMRA Program awards extra leave days to servicemembers who deploy beyond the standard rotation cycle. The motivation is simple: Troops who serve multiple deployments above and beyond the call of duty—who are basically being deployed as Active Duty even though they are not; folks who have raised their hands and stepped forward time and time again to volunteer and support our country—deserve leave time at home with their families as some compensation.

When they signed up to serve, there was not a waiting line. When they come home to the United States of America and they need a job or they need health care or they need an education or they want some time with their families, they should have that.

Well, one can imagine the concern the Red Bulls felt and I felt too when we learned all of a sudden the leave benefits our troops were promised under the program were being reduced as they were serving overseas. They were promised one thing when they left, and the program changed when they were gone.

Here is what happened. Until last fall, members of the Reserve Component who served more than 1 year out of 6 could be awarded up to 4 extra PDMRA leave days for each extra month of service. Then on September 30, 2011, the Defense Department changed the policy, reducing the 4 days down to 1 or 2, depending on the location of service.

But here is the problem: Instead of grandfathering in the troops who had been promised the 4 days of leave under the old policy, the Defense Department implemented the change immediately, applying it to all troops on the ground.

I can understand having a new policy, I really can. But do not do it to the troops who have already been promised one thing. That meant in the middle of their deployment, 49,000 reservists deployed around the world, who had been promised up to 4 days of leave for their service each month and who had earned that leave, were told, with little warning, that the days they were promised under the PDMRA Program were going to be cut, starting October 1, 2011.

Well, as you can imagine, this was a real setback for our troops, and for many reasons. First of all, it means they would get less time at home with their families, whom they have not seen—their kids, their spouses, their parents.

Second, it means our troops and their families are forced to cope with unexpected financial challenges as their leave benefits are cut without warning.

Finally, the change has meant that our reservists—who, unlike the Active Component, do not necessarily have a job to come back to when they separate from duty—are faced with an increased and unexpected urgency to find employment.

Well, our economy is on the mend, it is stable, but we are still seeing, as the Presiding Officer knows, record numbers of unemployment among our veterans of the past two wars. Now is not the time to cut the leave benefits of people who have been promised the leave and push them out to find their own way.

When the men and women of our armed services signed up, they did it for the right reasons. They are patriotic. They put their lives on the line for our country. The least we can do is keep the promises we made.

That is why my colleague in the House of Representatives, Congressman JOHN KLINE—himself a decorated veteran—and I introduced legislation that makes a simple fix to this program.

Our bill does not reverse the new policy change that the Department heads made after careful review of the program. Our bill simply grandfathers troops deployed under the old policy so they receive the leave benefits they were promised.

I want to take a few moments to share just a few key points about this bill.

First, it has bipartisan support in both the Senate and the House of Representatives. In fact, it passed in the House on Tuesday night with the support of all Representatives.

Second, the cost of this bill is fully offset. No new spending is created in this bill.

Finally, this bill is now supported by Secretary Panetta himself. It is supported by the Department of Defense, after they realized what the effect of this policy would have if troops were not grandfathered in.

This is a country that believes in patriotism, and patriotism means wrapping our arms around those who have served and sacrificed for our country. I

think all of my colleagues here today agree that nobody needs and deserves our support more than the men and women who have offered their lives in defense of our Nation.

For 10 years, the men and women of our National Guard and Reserves have done their duty. Now I believe it is for us in Congress to do our own duty to make sure our troops receive the benefits they are due.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. HARKIN. Madam President, I have high hopes that in the days immediately ahead the Senate will proceed to the consideration of the Food and Drug Administration Safety and Innovation Act of 2012.

I am pleased to report to my colleagues that the Health, Education, Labor, and Pensions Committee has produced an excellent bill, the product of nearly a full year of bipartisan collaboration and good-faith negotiation. The bill reauthorizes critically important FDA user-fee agreements and systematically modernizes FDA's medical product authority to help boost American innovation and ensure that patients have access to the therapies they need.

In this era of often extreme partisanship and legislative gridlock, this bill is truly a refreshing exception. That is why I am hopeful and confident that there will be no objection on the Senate floor to moving to this bill next week.

Frankly, all of us on the Health, Education, Labor, and Pensions Committee are proud not only of the bill but of the remarkable bipartisan process that produced it. I am especially grateful to the committee's ranking member, Senator MIKE ENZI, for his own insistence on a bipartisan process, and for his leadership in moving this very complex legislation forward.

This afternoon I will review the bipartisan process—at every step marked by openness and transparency—that produced this legislation.

More than 1 year ago, beginning in early 2011 for some issues, my office and the office of Ranking Member ENZI convened six bipartisan HELP Committee working groups. Each working group was tasked with developing consensus policy proposals on key issues, such as drug shortages and the integrity of the drug supply chain.

These bipartisan working groups met weekly and, in many cases, biweekly, over the whole course of 2011, discussing and developing draft consensus proposals.

While this consensus process was ongoing, my staff would often meet many times a week with staffers representing both Democratic and Republican members of the HELP Committee.

As I said, every single working group was bipartisan, and staff from my office worked closely with Senator ENZI's office to solicit priorities from other members of the committee. In many cases, we invited all HELP offices to join the groups.

We even invited staff of noncommittee Members who have been leaders in a particular policy area to join the groups. For example, our bipartisan drug shortage working group had staff members from 18 Senate offices, including the staffers for two Senators who are not even members of the committee.

While developing the consensus drafts, each of these bipartisan working groups met with key stakeholders throughout the year to solicit their input. For example, the drug supply chain integrity working group met with more than 40 stakeholders over a period of 9 months.

In addition to the working group meetings, beginning in late 2011, my staff met twice a week for almost 18 weeks with all Democratic HELP offices to brief them on the reauthorization process and update them on the progress of all of the policy proposals.

To further engage committee members, the administration, stakeholders, and the public, we held a total of five full committee hearings on the user-fee reauthorization over the last year. After our first public hearing in July of 2011, we held three hearings on distinct policy issues surrounding user fees, as well as a hearing on the actual user-fee agreements.

As a result of the excellent work of these bipartisan working groups, in March of this year my staff and Ranking Member ENZI's staff released five bipartisan consensus drafts and solicited further stakeholder input. Bipartisan staff conducted stakeholder briefings on the release of each draft, and the drafts were available on the HELP Web site for more than 3 weeks prior to markup.

In response to the five discussion drafts released to the public, our staffs received more than 160 comments and held more than 30 stakeholder meetings on a bipartisan basis over 3½ weeks.

Bipartisan staff worked to incorporate stakeholder feedback into the drafts, and then the committee publicly released a managers' package on Wednesday, April 18, 1 week before markup.

On April 25 of this year, the committee met to consider the bill. Committee members voted nearly unanimously, by voice vote, to send the bill to the full Senate.

As I said, this entire process has been a model of bipartisanship, openness, and transparency. Believe me, it was tough to achieve consensus on many of the complex and controversial provisions in the bill. At every step, it required difficult and sometimes painful compromise. Even as the committee chair, I did not get some of my highest priority proposals, since I could not get consensus among members and stakeholders.

Compromise and sometimes sacrifice were essential. I was acutely aware, as were other members of the committee, that it is imperative that we pass the user-fee agreements in this bill. We were determined not to allow partisanship to slow this package down or to jeopardize our goal of consensus.

As I said, the end result is an excellent bill. In addition to authorizing the critically important FDA user-fee agreements, this legislation makes it possible for the FDA to keep pace with the ever-changing biomedical landscape.

Here are some of the major provisions of the FDA Safety and Innovation Act, which will be on the floor next week:

It authorizes key user-fee agreements to ensure timely approval of medical products. It streamlines the device approval process, while enhancing patient protections. It modernizes FDA's goal of drug supply chain authority. We spur innovation and incentives for drug development for life-threatening conditions. The bill reauthorizes and improves incentives for pediatric trials. It helps prevent and mitigate drug shortages. It increases FDA's accountability and transparency.

With this bipartisan bill, I think we have a bill, I hope, we can all support and that we can move forward on expeditiously. Neither Democrats nor Republicans got everything they wanted. On every issue, we sought consensus. Where we could not achieve consensus, we didn't allow our differences to deflect us from the critically important goal of producing a bill that everybody could support. As a result, this is a truly bipartisan bill, and it is broadly supported by the patient groups and industry.

This is the chart showing over 100 different associations and groups, patient groups, consumer groups, pharmaceutical groups, and research organizations all over America that have come out in support of this legislation. So everyone from the pharmaceutical industry, your drugstores, research institutions, and consumer organizations have all now supported this bill to reauthorize our user-fee agreements.

I am also very pleased that today the Obama administration issued an official statement of administration policy asserting that ''the administration strongly supports passage of S. 3187.''

Lastly, I will mention that the CBO scored the bill as fully paid for and estimates that the legislation would reduce the deficit by $363 million over the next 10 years. Again, not only are we enhancing patients' rights and protections, we are ensuring better integrity for the drug supply chain. As we know, more than 80 percent of the products that go into our drugs manufactured in this country come from

abroad. There have been many stories written, and many television investigative stories included, on problems in that drug supply chain. Well, this bill enhances our ability to ensure the integrity of that drug supply chain from where they get the raw materials to where they put it together in this country.

This bill, as I said, not only does good for our patients, we enhance FDA's authority to streamline and make sure that we bring drugs to market in more rapid order. We save $363 million over 10 years doing it.

I look forward to bringing the FDA Safety and Innovation Act to the floor in a few days. The House has had a similar bipartisan process, and they are also scheduled to take up their version of the bill next week. If the Senate acts quickly, I am confident we can go to conference and get a final bill on the President's desk this summer.

To that end, I am hopeful and confident we can move without objection to consideration of the bill. It is important that we do so. This is absolutely must-pass legislation. It is critically important to the FDA, to the industry, and to our patients to get this done.

I urge all of my colleagues to join in the bipartisan spirit of cooperation we have engineered and witnessed in the HELP Committee over the last year. Let us come together, Democrats and Republicans alike, and get this legislation on the floor and pass it because of its critical importance to the American people.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GLOBAL WARMING

Mr. INHOFE. Madam President, I ask that I be recognized for up to 15 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, today I want to expose a far-left environmental agenda that is being imposed upon the Department of Defense by President Obama and a lot of his allies, and it comes at the same time that the Obama administration is focusing on dramatically reduced cuts in the military.

As ranking member of the Senate Committee on Environment and Public Works, and as a senior member of the Armed Services Committee, stopping the radical global warming agenda, as well as President Obama's devastating cuts to our military, have been my top priorities, and that is all I have been talking about for the last couple of months. I have had a growing concern about how President Obama's global warming agenda is harming our military, but the remarks recently made by Secretary Panetta have led me to come and make a few statements.

First, let me say this about Secretary Panetta: I served with him for 5 years in the House, and a number of years ago he and I became very close friends. In fact, I rejoiced when he was nominated and we confirmed him as Secretary of Defense. So I was extremely disappointed to see that he was wasting his valuable time perpetrating the President's global warming fantasies and his war on affordable energy, which occurred, no less, at a gathering of radical environmentalists. That is where the statement was made. Secretary Panetta said:

> In the 21st century, reality is that there are environmental threats that constitute threats to our national security.

He also vowed that the Pentagon would take a leading role in shifting the way the United States uses its energy. Every talking point Secretary Panetta used in his speech, from rising sea levels to severe droughts to the so-called plight of the polar bear, all of these—I will not go into them one at a time—these all came out of Al Gore's science fiction movie, and they have all been totally rebuked.

In reality, it is President Obama's war on affordable energy that is having a dramatic impact on our national security, a war that is further depleting an already stretched military budget and putting our troops at risk.

Secretary Panetta made another revealing statement in justifying the President's green agenda. This was about two editions ago in the Hill magazine:

> As oil prices continue to skyrocket, the department 'now [faces] a shortfall exceeding $3 billion of higher-than-expected fuel costs this year,' according to Panetta. In order to dig its way out of that financial hole, DOD has no choice but to look to alternative fuel technologies. Pentagon officials plan to invest more than $1 billion into developing those technologies in fiscal year 2013.

I might add, that is $1 billion that would otherwise be spent on defending America. That is right, energy prices have skyrocketed, we understand that—precisely because of the politics of this administration. Remember, they have openly admitted this.

Secretary of Energy Steven Chu said:

> [S]omehow we have to figure out how to boost the price of gasoline to the levels in Europe.

We all know why he made that statement. That was way back in 2008.

It was Obama's statement that said under his cap and trade—which is what they have been talking about—''electricity prices would necessarily skyrocket.''

Now, because domestic energy prices have skyrocketed under his administration, just as they wanted them to do, Secretary Panetta wants the military to go green. Instead of spending scarce resources greening the military, the commonsense solution is simple—to begin developing our own vast supply of energy resources.

Secretary Panetta's comments came just 2 weeks before the Senate Armed Services Committee is to begin the markup of this coming year's Defense authorization bill. So I will be taking this opportunity to work with my colleagues on the committee to put the spotlight on President Obama's forcing his costly green agenda on the Department of Defense while he is taking down the budget for the defense. I look forward to introducing a number of amendments that will put a stop to this nonsense and help ensure that Secretary Panetta has the tools he needs. I can assure you—because I know him well—this is a script this came off of.

As part of that effort, I am also releasing a document put together by the Congressional Research Service that puts a pricetag on how much the Federal Government provides global warming policies, and I will be discussing this.

With President Obama running for reelection and pretending to be for an ''all of the above'' energy approach, Secretary Panetta's comments are surprising. But they are still also illuminating. President Panetta's commitment of $1 billion for alternative fuels makes clear that despite the President's recent change in rhetoric for his reelection campaign, he remains fully determined to implement his all-out attack on traditional American energy development, and the military is one place where he can force that experiment. We are talking about a green experiment using our military.

To show just how egregious this whole thing is, let me spend just a second documenting how badly President Obama wants to take down the military for the benefit of his green agenda. Over the past 4 years, DOD has been forced to drastically cut its personnel, the number of brigade combat teams, tactical fighters, and airlift capabilities. It is eliminating or postponing programs such as the C 27, the Global Hawk Block 30, the C 130 avionics modernization package, which we desperately need, and the advancement of the F 35. These are programs we have had on the drawing board, and it is very important we carry these through to fruition.

Even more concerning, these cuts could go even deeper. Because the subcommittee failed to report legislation last fall—and we all remember this—that would have reduced the deficit by at least $1.2 trillion over the next 10 years, the Pentagon's budget could be cut by an additional $495 billion between 2013 and 2021. That is very interesting because during that period of time we are talking about two things—not just degrading the military, but over the next 10 years taking $½ trillion out. If sequestration should come in that would be another $½ trillion, and everyone realizes that would be devastating to the military.

Secretary Panetta has rightly warned us that such drastic cuts would be a threat to national security. He said:

Unfortunately, while large cuts are being imposed, the threats to national security would not be reduced. As a result, we would have to formulate a new security strategy that accepted substantial risk of not meeting our defense needs. A sequestration budget is not one I could recommend.

That is a quote by Secretary Panetta.

General Dempsey, Chairman of the Joint Chiefs of Staff, weighed in also and said:

The impact of the sequestration is not only in its magnitude. It's in what it does . . . we lose control. And as we lose control, we will become out of balance, and we will not have the military this nation needs.

When they talk about accepting risk, we are talking about lives. That is what that means; risk equals lives. What are you willing to do for this green agenda?

The remarks by the top DOD officials make Panetta's recent global warming speech at odds with solving our military's budget problems. Even as Secretary Panetta expresses concern about the impact of these cuts on national security, he is openly supporting President Obama's forcing DOD to expend large amounts of scarce resources on expensive alternative fuels. This doesn't make any sense, and that is why I believe Secretary Panetta's global warming remarks were written by someone in the White House to appease the radical left and not Secretary Panetta. I am absolutely convinced of that. After seeing how severe these cuts to DOD would be, how could anyone justify this so-called greening of the military?

Consider, for example, the Navy's plan to sail its Green Fleet, a strike group powered by alternative fuels, by 2016. The success of this Green Fleet is predicated upon biofuel—much of it algae based—becoming practical and affordable. So they are assuming that is going to happen, which I don't think it is going to happen.

In 2009 the Department of the Navy paid $424 a gallon for 20,000 gallons of biodiesel made from algae, which would set a record for all-time cost of fuel. That is per gallon—and that is when it was on the market for $4 a gallon—and it is $424 a gallon.

In December 2011 the Navy purchased 450,000 gallons of biofuel for $12 million, which works out to be about $26 a gallon. This purchase is part of a larger deal in which the Navy has pledged taxpayer funds of $170 million as their share of a $510 million effort to construct or retrofit biofuel refineries in order to create a commercially viable market. This biofuel will be mixed with conventional fuels by a 50 50 ratio to yield a blend that will cost roughly $15 a gallon—roughly four times what we should have to be spending.

Keep in mind this is at the same time we are rejecting systems that were in our plans, and have been for a long period. And as if the services are not already stressed by serious budget cuts, the Secretary of the Navy also directed the Navy and Marine Corps to produce or consume one gigawatt of new renewable energy to power naval installations across the country.

Everyone agrees energy efficiency in the military is a worthy goal. In fact, I have been a strong supporter of the DOD's alternative energy solutions that are affordable and make sense, including the initiatives on nonalgae biofuels and natural gas. In fact, in my State of Oklahoma we are working, through the major universities and the Noble Foundation and others to take that leadership role. But forcing our military to take money away from core programs in order to invest in unproven technologies as part of a failed cap-and-trade agenda is not only wrong, it is reckless.

I am not alone in saying this. My good friend, Senator MCCAIN agrees with me on this point. Just last month Senator MCCAIN criticized earmarks for alternative energy research in the Defense appropriations bill which cost the taxpayers $120 million. Senator MCCAIN said:

We're talking about cutting the Army by 100,000 people, the Marines by 80,000 people, and yet we now have our armed services in the business of advanced alternative energy research? The role of the armed forces in the United States is not to engage in energy research. The job of energy research should be in the Energy Department, not taking it out of Defense Department funds.

That is where it belongs, and I agree with Senator MCCAIN's statement.

The CRS report is significant. Largely due to my concern about green spending in the military, I recently asked the CRS to figure out how much money—how much of taxpayers' dollars—is actually being used to advance the green agenda. The amount came out that since 2008, $68.4 billion has been used to advance a green agenda.

Just to name a few options, if we didn't do that, we could add $12.1 billion to maintain DOD procurement at fiscal levels of 2012 and allow our military to continue to modernize its fleet of ships, its aircraft, and its ground vehicles. We could avoid a delay in the Ohio-Class Ballistic Missile Submarine Replacement Program, and it goes on and on, which I will have as a part of the RECORD.

Instead of funding these priorities, the Department of Defense has been forced to spend valuable resources on research relating to climate change and renewable energy.

In the stimulus package, each branch of the Armed Services and the Pentagon itself was given $75 million, for a total of $300 million, to research, develop, test, and evaluate projects that advance energy-efficiency programs. In total, since 2008, DOD has spent at least $4 billion on climate change and energy-efficient activities. The same $4 billion could have been used to purchase 30 brandnew F 35 Joint Strike Fighters, 28 new F 22 Raptors, or completely pay for the C 130 Aviation Modernization Program that we have been working on for a long period of time.

Now, just for a minute I will turn to the argument that President Obama and the far left have been using to justify this mission to go green. They always say we need a transition away from fossil fuels. One thing we do know—and it is a fact, and I don't think there is anyone out there who is disagreeing or arguing with this—we have more recoverable reserves in oil, gas, and coal than any other country in the world. When you stop and think what we have been talking about on this war that this administration has had on fossil fuels, it has been that on domestic energy.

One thing, if people understand, there is not a person in this body or anyone else I have found in America who did not learn back in elementary school days about supply and demand. We have all this vast supply but the government will not let us develop our own supply. It is ludicrous. We are the only country in the world where that is a problem.

In addition to the fact that we cannot use our resources, develop our own resources, we keep hearing over and over what people are saying: If we were to even open our public lands to development, to drilling and to producing, it would take 10 years before that would reach the pump.

I know my time is real short here so I am having to shortcut this, but I am talking to one of the top guys producing today, Harold Hamm. He is from Oklahoma. He actually is up in North Dakota right now and he is doing incredible things, developing shale and developing gas and oil to run this country.

I asked him a question. I said: I am going to use your name in quoting. How long would it take, if you were set up in New Mexico and all of sudden they would lift the ban, in order for that to reach the pump? Do you know what his answer was? He said: Seventy days. It would take 2 months to get the first barrel of oil up and then 10 days to go through the refining process and reach the pumps.

It is supply and demand. We have that. We should not be using our military to advance the green agenda by this President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

ORDER OF PROCEDURE

Mr. WHITEHOUSE. May I interrupt for 1 moment?

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I wanted to confirm the order of proceeding would be Senator FRANKEN is going to speak and then I will speak for a few moments after Senator FRANKEN. I know the Presiding Officer is to be excused very shortly.

Mr. FRANKEN. The Senator wishes to speak now?

Mr. WHITEHOUSE. I ask consent I follow Senator FRANKEN. We will see to it the Presiding Officer is relieved timely, at 4 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

STUDENT LOAN INTEREST RATES

Mr. FRANKEN. Madam President, last week my colleagues on the other side of the aisle blocked a vote that would have eased the burden of debt for millions of college students in Minnesota and across the country. My Republican friends disagreed with us about the best way to pay for this legislation, so a minority of Senators kept us from helping millions of families and taking a step toward keeping our Nation's workforce globally competitive. But this debate is not just about helping students pay for college. I want to talk a little bit about the two competing proposals to pay for this critical legislation. I wish to talk about our national priorities and our national values.

On one side, the Democratic proposal would close a loophole that allows some of the wealthiest Americans to avoid paying taxes they should owe to the Federal Government. This fix, our fix, would only apply to Americans making over $250,000 a year and would not create any new taxes on businesses or individuals. It would close a loophole that allows high-income people to get out of paying taxes everyone else in America is already expected to pay. This is what it is.

You see, some people making a lot of money talk to their accountants and tax lawyers who have figured out that the law was written in such a way that you could use an S corporation to get around paying some of your payroll taxes. Payroll taxes are your Social Security taxes and your Medicare taxes.

S corporations are basically a pass-through. Whatever profits your company makes, you at the end of the year pass it through to you and claim it as income—and you pay regular income taxes on it. It is income. But although the law was never intended to allow this, this is the loophole: You can pay yourself an artificially low amount of money sometime earlier in the year and call that a salary, say, $40,000. Thus you will pay enough to qualify for Social Security later when you retire. You will only pay FICA on this amount. But then at the end of the year you take the rest of the business's profits as income. Remember, this is considered income—but you do not pay FICA taxes on the amount. That is the loophole. You still pay income tax on it because it is income but, because of an accident in the way the law is written—this was not intended—you avoid paying FICA taxes on the part you did not initially call salary.

All of the money you pocketed, both the so-called salary and the profit at the end of the year, again, is income. It is income. It is not capital gains so you should be paying, like everybody else, Medicare taxes on all of it and Social Security taxes on income up to $110,000, like everyone else. There is simply no excuse, no reason for not paying taxes, paying your FICA taxes on the $110,000 Social Security, and all the rest for Medicare, except for an anomaly that was accidentally written into the Code.

This is exactly the type of loophole we should be closing. It is not something that Congress created intentionally, for a reason—to help people buy homes or to encourage investment in research and development. There is no reason this loophole exists. There is no purpose to it. There is no reason to keep it there.

The Democratic legislation would close that loophole for those individuals making more than $250,000 in a year and we would use that savings to prevent the doubling of interest that students pay on Stafford subsidized loans.

By contrast, the Republican proposal which passed the House a few weeks ago, would eliminate the Prevention and Public Health Fund, which is our national investment in preventive health care. This proposal would undermine the health of our Nation by cutting funding for cancer screenings, child immunizations, and diabetes prevention, among others. It would be fiscally irresponsible to boot, since according to a study for the Trust for America's Health, every dollar invested in proven community-based disease prevention programs yields a return of $5.60.

My home State of Minnesota leads the country when it comes to providing high-quality low-cost health care. When I was elected to represent the people of Minnesota, I put together a series of roundtables with experts around Minnesota to learn more about our health care system. I heard the same thing from leading national experts at the Mayo Clinic, the University of Minnesota, from providers, from doctors and people in public health and rural health, insurance—everyone said the same thing: An ounce of prevention is worth a pound of cure.

There is no question that if we catch cancer early the patient will be much more likely to make a full recovery. If every child has access to immunizations, we will prevent outbreaks of infectious diseases and our kids will grow up stronger and healthier. And if we can prevent someone from getting diabetes they will be healthier than if we wait until they have it and then treat them for the rest of their lives.

Not only will people be healthier if we prevent disease but we will save a lot of money too. That is why the health care law included the Prevention and Public Health Fund. The fund already is investing in community-based programs such as the diabetes prevention program, a program that DICK LUGAR and I fought to include in the health care law. This program was pilot-tested by the Centers for Disease Control and Prevention in Saint Paul, MN, and in Indianapolis. It involves structured nutrition classes for 16 weeks and 16 weeks of exercise at community-based organizations such as the YMCA, with people who have prediabetes.

Guess what. The program, the diabetes prevention program, has been shown to reduce the likelihood that someone with prediabetes will be diagnosed with full-blown type 2 diabetes by nearly 60 percent. Those are pretty good odds.

The program doesn't just make people healthier, it also saves everyone money. The diabetes prevention program, the program I just described, costs about $300 per participant, as compared to treating type 2 diabetes which costs more than $6,500 every single year.

That is why United Health, the largest private insurer in the country—that happens to also be headquartered in Minnesota—is already providing the program to its beneficiaries. In fact, the CEO of United Health told me that for every dollar they invest in the diabetes prevention program they save $4 in health care later on. The money in the Prevention and Public Health Program in the affordable care act is there to scale up this program around the country so everybody in the country, every person who has prediabetes, can have availability to it. It can be available to them.

This homegrown program is exactly what the Prevention and Public Health Fund was designed to support. It is not the only one like it. In Minnesota the fund has gone to support tobacco cessation programs. It has helped prevent infectious diseases. It has expanded our desperately needed primary care workforce. I think we can all agree these are worthwhile investments.

Unfortunately, many of my friends on the other side of the aisle are trying to end this important work, calling the Prevention and Public Health Fund a waste of money or worse. Last week, one of my colleagues on the floor inaccurately claimed that ''a health clinic was using the fund to spay and neuter pets.''

Let me take this opportunity to set the record straight. That is not true. The Department of Health my friend accused of using prevention funds to pay to spay pets has not and will not spend prevention fund money for this purpose. I ask that in these debates we confine ourselves to facts.

This all comes down to priorities. My friends on the other side of the aisle would rather cut the Prevention and Public Health fund than close a tax loophole for wealthy Americans which serves absolutely no purpose. In fact, they would rather keep us from voting on a bill to ease the burden of debt for students across the country than close this loophole. I hear them sometimes talking about closing loopholes so we can bring the marginal rate down. If you cannot close this loophole which has no purpose, I don't see any loophole we can possibly agree to close.

I ask my friends on both sides of the aisle one favor: Talk to your constituents. Talk to the people who have been saved from the affliction of diabetes or who have quit smoking or who have

immunized their children because of the Prevention and Public Health Fund. Talk to your State and local departments of health which are working to prevent outbreaks of the next dangerous strain of flu thanks to the infectious disease prevention fund. Stand with me in support of the Prevention and Public Health Fund.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, let me thank my colleague from Minnesota for his courtesy in allowing this time for me when I would otherwise be presiding.

I wanted to respond to the remarks that preceded Senator FRANKEN's remarks, remarks by Senator INHOFE of Oklahoma, suggesting that the military's investment in green technologies was an unwelcome imposition on them, and against their wishes, by outside political forces and on the basis of outside political considerations.

I just held a hearing in the Environment and Public Works Committee on the subject of our Defense Department's investment and interest in alternative technologies. We had witnesses from all of the services, and the testimony was pretty clear and diametrically opposed to the point of view just expressed by the Senator from Oklahoma.

I can certainly appreciate the enthusiasm of my friend from Oklahoma for fossil fuels since fossil fuels are a big home State industry in Oklahoma. But the testimony at the hearing was that the military was pursuing alternative fuels for reasons of its own, for reasons that related to protecting the troops, to be more efficient and to protect the strategic posture of the United States around the world.

Perhaps the most striking testimony they gave was that over 3,000 American soldiers gave their lives between 2003 and 2007 protecting our fuel convoys in Iraq. When we get in theater and we have a heavily fossil-fuel-based military presence, the price we pay for that is paid in the blood of soldiers who die protecting the fuel convoys—3,000 young men and women between 2003 and 2007. So to the extent we can do things like the Cooley company in Rhode Island and invest in tents that have their own solar capture built right into the fabric so that the cooling within the tent in the blazing heat of the Middle East can be done without having to truck that fuel in and without having to cost those soldiers their lives—that is not something that is being imposed on the military; that is something they very much want to accomplish as part of their core mission.

In Newport, RI, the Naval War College has a facility, and they are building wind turbines there. They are building wind turbines there because they have calculated that over time they will save money by putting up those wind turbines compared to buying electricity. It is not an imposition from outside. It is not some green agenda coming from Washington or anyplace else. It is the Newport Naval Station saying we save money for our budget by doing this. And when we save that money, we can put it into these other uses such as fighter aircraft, tanks, bullets, bandages, and boots.

The third piece of testimony had to do with the strategic posture of the country internationally, which is something the military is concerned with in a very deep and profound way. They made a couple of points.

The first was that the less dependent the United States is on the international oil market, the fewer vital interests we have to risk shedding our blood and spending our treasure to protect. So it is in our national strategic interest to get off of our fossil fuel dependency and into a broader portfolio of energy sources.

The second is the emerging dangers of climate change, in which we are immersed all around us if we look at the obvious evidence in front of our faces, which creates profound risks for social and civil unrest and violence in other parts of the world as things change, as estuaries flood and are no longer productive agriculturally, as relatively dry areas turn to desert and can no longer sustain life, as the great glaciers in the high mountains dissipate and change the flow patterns of rivers on which economic life for individuals depends.

All of those things create conflict and strife, and the American military is aware that where there is conflict and strife abroad, very often they are called in, and they feel the responsibility to try to avoid that.

I take time every week to speak a little bit about climate change for a number of reasons. As I said, there are a lot of folks in Washington who would like to ignore this issue and it is presently being ignored, which is unfortunate and, in fact, shameful. The messages about climate change we are getting are coming through loudly and clearly and we ignore them at our peril.

Every week for the past 15 months, as the Presiding Officer knows, I have distributed in our weekly caucus an update on some of latest climate science bulletins, the news that is fresh that week. This week the stories are that the National Oceanographic and Atmospheric Administration in the weather statistics for the month of April 2012 reported warmer-than-average temperatures engulfing much of the contiguous United States during April with the nationally averaged temperature at 55 degrees Fahrenheit, 3.6 degrees Fahrenheit above average and the third warmest on record.

Warmer-than-average temperatures were present for a large portion of the Nation for April. Six States in the central United States and three States in the Northeast had April temperatures ranking among their 10 warmest in history.

Above-average temperatures were also present for the Southeast, upper Midwest, and much of the West. No State in the contiguous United States had April temperatures that were below average.

April 2012 came on the heels of the warmest March on record for the lower 48. January to April 2012 was the warmest such period on record for the contiguous United States with an average temperature of 45.5 degrees Fahrenheit, 5.4 degrees above the long-term average. Twenty-six states, all east of the Rockies, were record warm for the 4-month period, and an additional 17 States had temperatures for the period among their 10 warmest.

These rising temperatures can lead to a number of concerns. For instance, snowpack, and thus drinking water, could be drastically reduced in California and surrounding western States. The Scripps Institution of Oceanography presented a study to California's Energy Commission last month explaining that the warming of 1.5 to 3 degrees Fahrenheit between now and midcentury will reduce today's snowpack by one-third. By 2100, at those temperatures snowpacks would be reduced by two-thirds. That makes a big difference to the agricultural communities that depend on that water downstream of those snowpacks.

Meanwhile, Science Daily reported yesterday that ozone and greenhouse gas pollution such as black carbon are expanding the tropics at a rate of .7 degrees per decade. Said the lead scientist, climatologist Robert J. Allen, assistant professor at the University of California, Riverside:

> If the tropics are moving poleward, then the subtropics will become even drier . . . impacting regional agriculture, economy, and society.

People are noticing the changes around them. Outside of the Halls of Congress—where we have blinders on to this obvious issue—regular people see the changes, and they are concerned about them. The United States Geological Survey recently polled more than 10,000 visitors to the Nation's wildlife refuges, hunters, fishermen, and families alike, and found that 71 percent of those polled said they were ''personally concerned'' about climate change's effects on fish, wildlife, and habitats. Seventy-four percent said that working to limit climate change's effects on fish, wildlife, and habitats would benefit future generations.

These special interests who deny that carbon pollution causes global temperatures to increase—and who have such a profound and maligning effect in this Chamber—deny that melting icecaps will raise our seas to dangerous levels, denying that all of these visible changes are taking place.

The myth that these special interests propagate in the face of so much evidence is that the jury is still out on climate change caused by carbon pollution so we don't have to worry about it

or even take precautions. This is false. It is plain wrong.

Virtually all of our most prestigious scientific and academic institutions have stated that climate change is happening and that human activities are the driving cause of this change. They say it in powerful language, particularly for scientists who are specific about what they say and guarded in the way they say it.

The letter said:

Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver. These conclusions are based on multiple, independent lines of evidence—

And here is the final crescendo—

and contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

That is an awfully nice way to say it, but in a nutshell they are saying anybody who disagrees is making it up.

These are serious organizations: the American Association for the Advancement of Science, the American Chemical Society, American Geophysical Union, American Meteorological Society, American Society of Agronomy, and on and on.

It is not just them. It is also the military services—as I mentioned at the beginning of my remarks—it is also the intelligence organizations of the country, it is also most of our electric utilities, many of our biggest capitalists and investors, and of course it is our insurance industry that has to pay for the damage that ensues. A recent article said: The worldwide insurance is huge, three times bigger than the oil industry.

Right now these companies are running scared. Some are threatening to cancel coverage for homeowners within 2 miles of the coast where hurricanes are on the increase, and in drying areas of the West where wildfires have wreaked havoc. Marsh and McClennan, one of the largest insurance brokers, called climate change ''one of the most significant emerging risks facing the world today,'' while insurance giant AIG has established an office of environment and climate change to assess the risks to insure us in the years ahead. The industry's own scientists are predicting that things could get a lot worse in the years ahead.

I am indebted to the Presiding Officer, the junior Senator from Minnesota, for the following observation, which is that 97 percent of the climate scientists who are most actively publishing accept that the verdict is in on carbon pollution causing climate and oceanic changes. The example he and I have discussed—and I can't help, since he is presiding right now, referring to it again—we are being asked in this body to ignore facts that 97 percent of scientists tell us are real. Now, translate that into our personal lives. What if a child of ours was sick and we went to a doctor and said: Is there something I need to do about it? Is there a treatment that is necessary? What is the deal here? And we got an opinion, and then we said: I am going to be a cautious, prudent parent because a treatment might be expensive. I want to make sure I am going down the right path, so I am going to get a second opinion, and the parent gets a second opinion. Then the parent got a third opinion. You are a really prudent parent, and you got a third opinion. Let's say you kept going. You got a fourth opinion, a fifth, a 15th, a 45th, a 75th, a 95th—you got 100 opinions. People would think that was a little odd, but never mind. And then let's say that 87 percent of those professional opinions came back saying: Yes, your child is ill and needs this treatment. Would you then responsibly say: The jury is still out on the question of why my child is sick. Let's not take any action now. These 97 percent of the doctors might be alarmists. We don't really want to go there, and, after all, it will cost money to buy the medicine.

Would any responsible parent do that? No. It is a ludicrous proposition, and that is just how ludicrous the proposition is that climate change is not real.

The underlying facts are ancient ones. The guy who discovered that climate change is caused by the release of carbon dioxide into the atmosphere, John Tyndall, discovered this in 1863, at the time of the Civil War, 150 years ago. This is not a novelty. This is old established science, and it has become clear since then that there is a change that is happening.

We pump out 7 to 8 gigatons a year. A gigaton is a billion—not a million, a billion—metric tons. We pump out 7 to 8 billion metric tons a year of carbon dioxide, and that adds to the carbon load in the atmosphere. This isn't something that is a theory, it is something that is a measurement now.

For 8,000 centuries mankind has existed in an atmospheric bandwidth of 170 to 300 parts per million of carbon dioxide—170 to 300—for 8,000 centuries, 800,000 years. We have been an agricultural species for about 10,000 years, to give my colleagues an idea. For 800,000 years we were picking things off of bushes. Our entire history as a species falls essentially in that 800,000 years. All of our development as a species has happened in the last probably 20,000 years. So it has been a long run in that safe bandwidth of 170 to 300 parts per million. We have shot out of it. We are at 390 parts per million and climbing. The record in history as to what happens on this planet when we spike out of that range is an ominous one. It is a bad trajectory. It takes us back to massive ocean die-offs that are in the geologic record. So this is something we need to be very careful about and we need to take action.

The suggestion that it is not happening is false. The suggestion that we can wait it out is imprudent, reckless, and ill-advised. And the notion that our professional career military who have lost 3,000 men and women defending fuel convoys in Iraq are engaged in trying to get off fossil fuels because of some outside political agenda that they don't share is a preposterous allegation to make about the men and women who run our military, who make these decisions for our military, and who are seeking to defend the soldiers out in the field against these consequences.

With that, I yield the floor, once again thanking the distinguished Presiding Officer for allowing me this time, and I would have otherwise been sitting there and presiding. So with appreciation to Senator FRANKEN, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

REPRESENTATION FAIRNESS RESTORATION ACT

Mr. ISAKSON. Mr. President, I apologize for keeping the Presiding Officer and the rest of the staff here a little later than they might want, but I have an important message that will be brief.

I introduced legislation not too long ago called the Representation Fairness Restoration Act, S. 1843. It was a reaction to the NLRB's decision in the specialty health care case, where a group of nurses within specialty health care asked for permission to unionize and organize within that unit. The NLRB granted that, and that became the first microunion that has ever existed in the United States of America.

Today it is my understanding that the NLRB has approved the following: the second floor designer shoes department and the fifth floor contemporary shoes department at Bergdorf Goodman in New York—the two combined have 45 employees out of 370. They have granted them the right to organize.

This is a gigantic leap that differs from 75 years of settled labor law. Microunions within any retail establishment, medical establishment, or any other type of business prevents cross-training, causes discord, and is a way to upset an organization that otherwise is not upset.

Labor law in this country has been settled for a long time. Last year 70 percent of all the union calls in the United States of America passed on their vote. There is not a problem with unions being able to organize. But there is a huge problem if we continue to tear down the firewalls that have had the playing field level.

Just recently the courts have twice thrown out rulings of the National Labor Relations Board—one on ambush elections where they tried to reduce the average period of time from 58 days

to 10, which is totally unrealistic, and, even more importantly, on the posting rule where the employers were asked to post proorganization posters within the break rooms in their companies. Both times the courts threw them out and said the NLRB has reached too far.

It is my hope the same thing would happen here again. But in the meantime, I want to encourage the Senate to allow us to bring S. 1843 to the floor and have this debate. In the free enterprise system, in the tedious economy we have today in this country, the last thing we need is to begin changing labor law and pitting organized labor against management in an adversarial type of way.

This example at Bergdorf Goodman today is an example of the National Labor Relations Board doing in regulation what we ought to be doing in legislation on the floor of the Senate. My biggest concern is that now it seems as if the administration's leadership in every Department has determined if we can circumvent the legislative body and through regulation do what we cannot do on the floor, we will forget about the House, we will forget about the Senate, and it will be the executive and judicial branches that run the United States of America. That is not good for our country, and that is wrong.

So I am going to call on the Senate and ask our leadership to let us bring this bill to the floor, to let us debate it and see if we want to change 75 settled years of labor law and unbalance the playing field between management and labor. I do not think we do.

I am sorry to rush to the floor after just hearing this information, but I think it is so important we nip it in the bud; that we let the playing field remain balanced, and we not turn over the operation of settled labor law to an NLRB that, quite frankly, seems to have run amok as far as I am concerned.

Mr. President, I appreciate the opportunity to speak and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, today I wish to honor the Pikeville Medical Center for its continued commitment to providing superior medical care to the people of Kentucky. Pikeville Medical Center has been named National Hospital of the Year, making it the only repeat winner of this prestigious award. The 261-room hospital has over 2,000 employees, including more than 270 physicians and residents, and its superior facilities, equipment, and staff have drawn in qualified medical professionals from around the country.

In January 2011, Pikeville Medical Center became affiliated with Cleveland Clinic's Heart Surgery Program, which has been ranked number one among heart programs in the United States for 16 years. This recent affiliation has allowed PMC to provide cutting-edge technology and treatments to its patients.

Prior to receiving this award, Pikeville Medical Center was named 12th in the Nation of Top 100 Best Places to Work by Modern Healthcare Magazine and first on the Best Places to Work in Kentucky list by the Kentucky Chamber of Commerce. Individual units of the Medical Center have also received recognition. The Heart Institute is one of the first 10 hospitals in the United States and the first in Kentucky to reach the highest distinction awarded by the Society of Chest Pain Centers, and the Stroke Center is one of 10 Kentucky recipients of the American Heart Association/American Stroke Association's Get with the Guidelines—Stroke Gold Plus Quality Achievement Award. Along with this, the Leonard Lawson Cancer Center was awarded the ''Outstanding Achievement Award'' 2 years in a row.

While the Pikeville Medical Center has much to be proud of, it continues to strive for excellence. The hospital recently completed a $10-million emergency department expansion and renovation, and is currently undergoing a $100-million construction project to provide new offices and outpatient surgery units. This is all part of the organization's mission to ''provide quality regional health care in a Christian environment.''

Mr. President, I would like to ask at this time for my colleagues in the Senate to join me in recognizing the Pikeville Medical Center. There was recently an article published in eastern Kentucky's local periodical magazine, the Sentinel-Echo: Silver Edition, highlighting the center's many successes. I ask unanimous consent to have printed in the RECORD said article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sentinel-Echo: Silver Edition, Nov. 2011]

PIKEVILLE MEDICAL CENTER

Pikeville Medical Center, now affiliated with Cleveland Clinic Heart Surgery, is the nation's only repeat winner of the National Hospital of the Year. President and Chief Executive Officer Walter E. May has always encouraged PMC employees to dream big and big things will happen. After winning the award, he aid, ''It doesn't get much bigger than this. This is like winning the Super Bowl, the NCAA Final Four or the World Series for a hospital.''

As a true leader and innovator in the health care industry, Pikeville Medical Center continues to raise the bar of excellence. Currently employing more than 2,000 people, PMC has hired over 550 employees just during the past year. PMC is a 261-bed facility, and a $100 million construction project is under way, producing 1,500 temporary jobs and 100 permanent jobs. The new medical office building will house nine floors of office and clinical space for outpatient surgery, exam rooms and primary and specialty care physicians, and the enclosed parking garage will have space for more than 1,000 cars.

The combination of first class facilities, the best equipment available and a highly motivated support staff has enabled Pikeville Medical Center to recruit some of the nation's most qualified physicians. More than 270 credentialed professionals—physicians and residents—are authorized to practice medicine at Pikeville Medical Center, and the number continues to grow. Over the past year we have recruited over 30 physicians and added six new services. Among the newer service lines are: gynecological oncology, otolaryngology, rheumatology, pediatric endocrinology, hand surgery and nephrology.

THE HEART INSTITUTE

According to the American Heart Association, heart disease is the #1 killer of Americans, making heart health a top priority for Pikeville Medical Center. In January 2011, Walter E. May addressed a standing room only crowd during a special called press conference and announced Pikeville Medical Center is now affiliated with Cleveland Clinic's Heart Surgery Program.

The Cleveland Clinic heart program has been ranked #1 in the nation for the last 16 years by U.S. News and World Report. The affiliation has enhanced PMC's opportunities to provide new treatments and therapies to patients and has accelerated Pikeville Medical and Cleveland Clinic's mutual accomplishments in leading cardiac surgery care. Currently, PMC staff is attending training at Cleveland Clinic and enhancing their abilities to deal with complex medical situations, while utilizing new technologies and innovations, The two facilities are also sharing surgical outcome data and research.

In addition to the affiliation with Cleveland Clinic's heart surgery program, PMC continues to make great strides in heart care:

One of the first 10 hospitals in the nation and the first hospital in Kentucky to be designated a Level III Accredited Chest Pain Center, the highest distinction given by the Society of Chest Pain Centers

THe cath lab has celebrated the 10th anniversary of the first cath procedure performed at PMC.

Median ''door-to-balloon'' time averages around 65 minutes (well below the standard of 90 minutes set by the American Heart Association and the Joint Commission).

The heart team is comprised of Cardiologists, Interventional Cardiologists, Cardiothoracic and Vascular Surgeons and an Electrophysiologist. PMC's Heart Institute operates offices throughout the region in Pike, Mingo and Johnson Counties.

STROKE CENTER

Pikeville Medical Center has received the American Heart Association/American Stroke Association's Get With The Guidelines®-Stroke (GWTG-Stroke) Gold Plus Quality Achievement Award. Only 10 hospitals in KY have earned this accreditation, and no other KY hospital east of Lexington has earned this prestigious distinction.

The award recognizes PMC's commitment and success in implementing excellent care

for stroke patients, according to evidence-based guidelines. To receive the award, PMC achieved 85 percent or higher adherence to all GWTG-Stroke Quality Achievement indicators for two or more consecutive 12-month intervals and achieved 75 percent or higher compliance with six of 10 GWTG-Stroke Quality Measures, which are reporting initiatives to measure quality of care.

''With a stroke, time lost is brain lost, and the Get With the Guidelines-Stroke Gold Plus Quality Achievement Award demonstrates PMC's commitment to being one of the top hospitals in the country for providing aggressive, proven stroke care,'' said Dr. Naveed Ahmed, Medical Director of Pikeville Medical Center's Stroke Unit. ''We will continue to provide care shown in scientific literature to quickly and efficiently treat stroke patients with evidence-based protocols.''

LEONARD LAWSON CANCER CENTER

Once again, Pikeville Medical Center's Leonard Lawson Cancer Center received the ''Outstanding Achievement Award'' from the Commission on Cancer of the American College of Surgeons. PMC is one of only three hospitals in the state of Kentucky to ever achieve this award, and is the only hospital in Kentucky to be honored twice and consecutively.

PMC has been recognized by the Commission on Cancer of the American College of Surgeons for offering: The full scope of multi-disciplinary services required to screen, diagnose, treat, rehabilitate and support patients with cancer and their families; A high quality, comprehensive team approach by cancer care professionals; Complete range of state-of-the art services and equipment; Access to information about new treatment options and ongoing cancer trials; Access to prevention and early detection programs, cancer education and supportive services.

The cancer center has also instituted program enhancements and improvements including opening a new Paintsville Oncology Clinic, offering genetics counseling and opening a gynecological oncology service.

''The Cancer Center at Pikeville Medical Center is not just a group of employees, they are a team. They continually strive to provide excellent quality care. One of their goals is to provide a special kind of friendship along the way. A friendship that starts with a disease as serious and devastating as cancer and evolves, during their time at PMC, into a special relationship we refer to as the PMC family,'' said Roxanne Hale. Director of the Cancer Center.

EMERGENCY DEPARTMENT

In preparation for achieving Level II Trauma Center certification, Pikeville Medical Center has completed a $10 million emergency department expansion and renovation. This new facility encompasses nearly 23,000 square feet, includes two trauma bays, three triage bays, provides physiological monitoring and a 32″ flat screen tv in every room and has CT scanning and digital x-ray onsite.

Over the past year, PMC's ED patient satisfaction scores have reached nearly 100%, and while the new facility is impressive, it's PMC's employees who make this recognition possible.

THE JOURNEY OF EXCELLENCE CONTINUES

Pikeville Medical Center's employees are guided by the mission statement ''to provide quality regional health care in a Christian environment.'' ''This is more than just a slogan,'' said Chief Operating Officer Juanita Deskins, ''it is a prescription for the work lives of our employees.'' It is primarily because of this work ethic that PMC regularly receives recognition and awards, such as: 12th in the nation of the top 100 Best Places to Work by Modern Healthcare Magazine (the second year in a row PMC made the top 100 list); the number one hospital in the state on the Best Places to Work in Kentucky list, compiled by the KY Chamber of Commerce; three employed physicians listed among the nation's Best Doctors; for the third consecutive year PMC' has been selected as a Hospital of Choice; Patient Satisfaction Award from the Pike County School District Superintendent; the prestigious Excellence Award from the Kentucky Center for Performance Excellence, following the strict criteria set forth by the nationally-acclaimed Malcolm Baldrige Award; the Insight Award fur outstanding service in Inpatient Oncology and Inpatient Rehabilitation; the gold seal of approval from the Joint Commission for Primary Stroke Centers.

While those accolades are impressive, Pikeville Medical Center will not rest on its laurels. There is always room for improvement and our institutional vision has not yet been fully realized—our journey is not over.

Pikeville Medical Center will continue to improve and grow, and will always pursue excellence. Technology will evolve and we will continue to recruit the country's best doctors and add specialty services to assure the best health care possible for our patients. In the words of Walter E. May, ''We aren't trying to provide health care that's 'as good as' anyplace else . . . we're working to provide health care that's better than these patients could get anywhere else. At Pikeville Medical Center, we're proud to say . . . we're still the one!''

VIOLENCE AGAINST WOMEN ACT

TRANSPORTATION COSTS

Mrs. SHAHEEN. Mr. President, I ask permission to engage in a colloquy with the Senator from Vermont, Mr. LEAHY. I would like to address a problem that affects many women who are victims of domestic violence. We have addressed a variety of important concerns with the Senate's recent passage of the Violence Against Women Act, and I hope the House will promptly pass that important, bipartisan bill. A major barrier for women seeking services in New Hampshire and across the country is lack of transportation. As chairman of the Judiciary Committee and author of the Violence Against Women Reauthorization Act, you may have encountered this issue also.

Mr. LEAHY. I thank the Senator from New Hampshire for bringing attention to this important issue and for all her hard work addressing issues of domestic and sexual violence. As a Senator and a prosecutor, I have found that transportation is a particular problem for victims of domestic and sexual violence who live in rural areas.

Mrs. SHAHEEN. You know well the issues facing rural communities in Vermont, as I do in New Hampshire. Domestic violence occurs as frequently in rural areas as it does in cities, and many women in rural settings do not have access to a car or public transportation.

Mr. LEAHY. This presents a real safety risk for women.

Mrs. SHAHEEN. It does. When you are a woman in a violent situation, not having access to transportation is more than an inconvenience, it can be life threatening. One woman in Atkinson, NH, called the local crisis center for transportation because her husband would not let her have access to the car keys and controlled the family's finances entirely. She was simply trapped.

Mr. LEAHY. Would you agree that the availability of transportation is critical to making sure all women have access to the services provided by crisis centers, shelters, and other service providers?

Mrs. SHAHEEN. Yes, that is exactly right. The Violence Against Women Act provides support for important services like medical treatment, counseling, shelter, and legal assistance to seek protective orders. Clearly women need to be able to get to these centers in order to take advantage of these important resources.

Mr. LEAHY. Have you found that transportation is something that crisis centers are currently able to provide?

Mrs. SHAHEEN. Many crisis centers that receive grants from VAWA do use their general funds to assist women with transportation costs who could not otherwise afford them. I believe that is a use of funds consistent with the intent of Congress to expand services to all women and families who are victims of domestic violence. Do you agree?

Mr. LEAHY. I agree that helping women access these services is absolutely consistent with the intent of the Violence Against Women Act.

Mrs. SHAHEEN. And I thank the Senator for including language in the reauthorization of VAWA recently passed by the Senate that further clarifies that transportation services are an acceptable use of VAWA funds. The bill adds language in the new victim services definition in section 3 to include ''other related supportive services'' and in section 102(a) adds ''other victim services'' to the victim services purpose area in the grants to encourage arrest policies and enforcement of protection orders. Both of these changes would provide even more ability than under current law for VAWA grants to cover crucial transportation services.

Mr. LEAHY. I agree that this language is intended to cover a variety of crucial victim services including transportation services.

Mrs. SHAHEEN. I also appreciate the bill's new language emphasizing the importance of providing services to women in rural or geographically isolated areas. Identifying this particularly vulnerable population will be helpful for those centers which focus services on women and families in these isolated areas. I believe this provision makes clear the intent of Congress to supplement the costs of reaching these women and bringing them to safety.

Mr. LEAHY. I agree that is one of the intents of section 202, which focuses on enforcement of domestic violence,

stalking and child abuse laws for victims and families in rural areas. Transportation is a necessary component of enforcing these laws and protecting vulnerable women. I am concerned, as I know you are, about what women do when they are in a dangerous situation and do not have transportation to get away.

Mrs. SHAHEEN. That is a real problem. Many women initially rely on the police or an ambulance to remove them from unsafe situations, but their problems continue once they reach a shelter or crisis center. They have no way to get to court for hearings related to protective orders, child custody and divorce. One of the directors of the crisis center in Berlin in the North Country of New Hampshire spends at least 25 percent of her time taking women to and from court. Due to recent State budget cuts, the closest courthouse is 45 minutes away. That is a significant investment of time and money.

Mr. LEAHY. It certainly is. And the Violence Against Women Act aims to provide financial support for communities that need it most so they can continue to keep women safe.

Mrs. SHAHEEN. I thank the Senator from Vermont for engaging in this colloquy to address the importance of providing transportation services to women and families in need. I thank him, too, for his leadership on the reauthorization of the Violence Against Women Act. It has helped so many women over the years, and I know it will continue to save the lives of women in New Hampshire and across the county.

FACEBOOK'S TAX DEDUCTION

Mr. LEVIN. Mr. President, tomorrow will be a day in tax history—when Facebook goes public, it will get a $16 billion tax deduction, which is the largest tax deduction ever taken by any corporation exploiting the stock option tax loophole.

Facebook's recent filings in anticipation of its upcoming stock offering provide new facts about its plans to use stock option tax deductions, not only to help it avoid future taxes for years and years to come, but to get a refund of taxes it has already paid.

Facebook's recent registration statement shows that, due to hundreds of millions of stock options handed out to its founders and top executives, it plans to claim stock option tax deductions worth a whopping $16 billion. That is more than twice as much as estimates a few months ago, and many, many times larger than the stock option expenses shown on Facebook's ledgers.

Facebook is a booming, successful company. Its securities filing boasts of double-digit increases in Facebook's average revenue per user, citing a 32-percent increase in 2010 and another 25-percent increase in 2011, with ''growth across all regions.'' Despite trumpeting those revenue increases to investors, Facebook is planning at the same time to tell Uncle Sam it has no taxable income, offsetting its revenues with stock option tax deductions.

Facebook's $16 billion stock option tax deduction is so huge, it will enable Facebook to claim a $500 million refund of taxes paid over the prior 2 years and wipe out this year's tax bill. The company says it will also use its deduction to create a ''net operating loss'' that can be used to eliminate its profits and its taxes for up to 20 years into the future.

As with so much of our Tax Code, it is not the law breaking that shocks the conscience, it is the stuff that is allowed. For years, my Permanent Subcommittee on Investigations has identified this stock option tax loophole and tried to explain its cost, its unfairness, and why the loophole should be closed. Facebook's $16 billion tax deduction brings the issue into sharp focus.

This profitable corporation will stop paying any Federal corporate income taxes, simply because it gave hundreds of millions of stock options to its executives. It will go from a corporate citizen that paid its taxes, to one that not only pays no taxes to Uncle Sam on its profits, but gets a tax refund.

Some Facebook defenders claim the company's nonpayment of taxes is offset by the taxes paid by its executives. But first of all, Facebook demands and receives government services that its executives don't—from patent protection to cybersecurity to trade enforcement. Second, the fact that executives pay taxes doesn't mean corporations shouldn't pay taxes. Facebook should be paying its fair share, and it is only through a tax loophole that it won't be. Adding insult to injury is that one of its founders recently renounced his U.S. citizenship just to avoid paying his taxes.

Facebook is an American success story. Its ability to use a stock option loophole to zero out its U.S. tax bill, despite ample profits, makes no sense. It also isn't fair to the rest of American taxpayers who will have to pay more because Facebook pays nothing.

In these tough economic times, Congress needs to make choices about where to spend taxpayer dollars. The stock option tax deduction, as demonstrated by Facebook, fuels excessive executive pay, shifts the tax burden from corporations to other taxpayers, and enables profitable corporations to get out of paying a dime toward the country that helped make their success possible.

What could our Nation do with the billions of dollars it will lose when Facebook uses the stock option loophole? Well, we could reduce the Federal deficit. Or we could pay for programs to help kids go to college or programs that protect our seniors and veterans, put cops on the beat or teachers in classrooms.

The stock option loophole should have been closed long before Facebook's stock option bonanza. But surely the case of Facebook illustrates to the Senate, to the Congress, and to the American people why we should close this loophole. If Congress were to enact the Levin-Sherrod Brown bill, S. 1375, it would close an unjustified corporate tax loophole that boosts executive pay at the expense of everybody else.

150TH ANNIVERSARY OF USDA

Mr. BAUCUS. Mr. President, I rise today to celebrate the 150th anniversary of the Department of Agriculture.

I believe Thomas Jefferson said it best in a letter to George Washington in 1787. Jefferson wrote: ''Agriculture is our wisest pursuit, because it will in the end contribute most to real wealth, good morals, and happiness.''

In 1862, the 37th Congress and President Lincoln established the U.S. Department of Agriculture, and 150 years later, agriculture is still a pillar of the American economy.

From wheat fields in Montana, to dairy farms in Wisconsin, to grocery stores in New York City, 1 in 12 jobs is linked to agriculture and forestry. In Montana it is one in five for agriculture alone.

Agriculture is one of the few U.S. business sectors to boast a trade surplus of $34 billion last year.

Because of our Federal farm policies, Americans have access to the safest and most affordable food in the world. Americans spend less than 7 percent of their disposable income to feed their families, compared with almost 25 percent in 1930 or as high as 28 percent in Russia today.

The farm bill, which is set to expire this September, provides a responsible risk management system that ensures American farmers and ranchers can keep putting food on our tables even in times of drought, flooding, and other disaster. It provides conservation tools to protect the land we love and depend on for generations to come. It focuses resources to help beginning farmers and ranchers get their foot in the door, promotes U.S. products overseas, invests in research, and helps struggling families put food on the table.

Last month, the Senate Agriculture Committee passed the Agriculture Reform, Food and Jobs Act of 2012 with a bipartisan vote of 16 to 5.

I want to underscore the word ''reform.'' Times are tough. We cannot afford business as usual anymore.

After spending the last year talking directly with Montana farmers and ranchers about their priorities, I can tell you no one understands this better than they do.

So the Senate Agriculture Committee worked directly with producers to strengthen what works and cut out what doesn't. Together we came up with a responsible plan to cut spending by $23 billion while still providing a strong risk management program for farmers and ranchers. That is right,

the Senate Agriculture Committee's farm bill reduces the deficit by $23 billion. It eliminates more than 100 duplicative programs to make government leaner and more effective. It strengthens accountability to make sure we are giving a hand up where it is most needed and not wasting taxpayer dollars where it's not. And, perhaps most importantly, this farm bill supports more than 16 million American jobs. That is why I led a letter to leadership with 43 of my colleagues this week urging quick action. Moving this farm bill is the right thing to do for our farmers and ranchers, the right thing to do for American taxpayers, and the right thing to do for jobs.

So as we say happy birthday to the U.S. Department of Agriculture, I think the best gift Congress could give is passing the farm bill.

IMPORTANCE OF SENATE BIPARTISANSHIP

Mr. CARPER. Mr. President, over this past weekend, while reading the News Journal, Delaware's only statewide newspaper, I came across a column written by my good friend and our former colleague, Ted Kaufman. He was writing about an issue that is troubling to me and to many of our colleagues—the narrowing scope of bipartisanship in the U.S. Senate today.

As you know, Mr. President, our longtime colleague Senator RICHARD LUGAR faced a difficult primary contest last week in Indiana. While he put up a good fight, he ultimately lost the primary to someone who openly espouses an aversion to bipartisanship. In recent days a number of our colleagues, including Senators DURBIN and KERRY, have stood in this Chamber to lament the parting of Senator LUGAR. Like them, I, too, am disappointed that Senator LUGAR will not be part of the Senate in the future.

Though I haven't always agreed with him on every issue, Senator LUGAR has been and remains a deeply respected colleague and statesman. He understands that national unity and patriotism should always trump partisan bickering, and he believes that working with colleagues on both sides of the aisle is critically important for the welfare of our country.

In his article last weekend, Ted Kaufman wrote, ''If candidates like Mike Castle and RICHARD LUGAR are defeated because they are willing to consider bipartisan solutions, the gridlock can only get worse.'' I couldn't have said it better myself. DICK LUGAR is the type of Senator we need more of, not less of. With his departure, the Senate will lose someone who was willing to put progress ahead of party and willing to favor compromise over conflict.

Senator LUGAR, as mayor of Indianapolis and as Senator from Indiana, you have served your State and your country with distinction. I have no doubt that as this Congress and your time in the Senate come to a close later this year, you will choose to finish strong. I expect that as you do, my colleagues and I will have the opportunity to work with you, in a bipartisan way, on a number of critically important issues for our country. There will be much work to do, together.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of Senator Kaufman's article as a testament to the importance of bipartisan cooperation in the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the News Journal, May 12, 2012]

LUGAR PROVED 'BIPARTISANSHIP' SERVES PRINCIPLES WELL

(By Ted Kaufman)

I have spent the last 40 years of my life working in and teaching about the U.S. Senate. Right after then-Senator Biden and I came to Washington, he told me something I have always kept in mind when dealing with its members. ''There is a reason the citizens of each state picked each individual senator,'' Senator Biden said, ''and it is worth looking for what that is.''

The Senate has always been a partisan place. The arguments are fierce. Strongly held beliefs collide. No matter how much I disagreed with the positions taken by senators on the other side of the aisle, I could respect and even admire nearly all of them.

One of the senators I disagreed with on many issues but came to greatly admire was Richard Lugar. Last week, in the Indiana Republican primary, he lost his bid for a sixth term. He will be sorely missed in the next Senate.

For many years, I watched as he and Senator Biden passed the gavel back and forth on the Foreign Relations Committee, where they traded positions as chair or ranking member. As partisan a conservative Republican as he was on most domestic issues, Senator Lugar deeply believed in the approach to foreign policy articulated in the early 1940s by Michigan's Republican Sen. Arthur Vandenberg: ''To me, bipartisan foreign policy' means a mutual effort, under our indispensable, two-party system, to unite our official voice at the water's edge so that America speaks with one voice to those who would divide and conquer us and the free world.''

Throughout his Senate career, Senator Lugar was a driving force in maintaining this approach to foreign policy. He did not grandstand. In his quiet, intelligent way, he became one of our most knowledgeable experts on an issue that wins few votes but is literally a matter of life-and-death for the planet—nuclear proliferation.

Perhaps his greatest accomplishment was the joint effort with former Democratic Sen. Sam Nunn that established the Cooperative Threat Reduction Program, which provides U.S. funding and expertise to help former Soviet countries safeguard and dismantle their nuclear and chemical arsenals. The program has deactivated thousands of nuclear warheads, chemical weapons, and their delivery systems. It has eliminated all the nuclear weapons in Ukraine, Kazakhstan, and Belarus. Senator Lugar, as much as any single person alive, is responsible for greatly reducing the threat of nuclear proliferation into the terrorist world.

There were many reasons why Senator Lugar lost his bid for re-nomination. But among the criticisms raised against him by his opponent was that he supported the Strategic Arms Reduction Treaty. It is hard to understand how this vote could be characterized as anti-Republican when Lugar was joined in his support of START by the Secretaries of State for the last five Republican Presidents.

I smile when I see Senator Lugar being portrayed in the media as a ''moderate.'' His voting record on domestic issues has been consistently conservative. The American Conservative Union gives him a 77 percent lifetime rating. But that, it seems, is not conservative enough. His victorious opponent, Richard Mourdock, ran a campaign that was openly dismissive of any kind of bipartisanship. Right after Mourdock won the nomination, he explained, ''I have a mindset that says bipartisanship ought to consist of Democrats coming to the Republican point of view.''

Wherever I go, the most common thread in talks I have with many different groups of people is their frustration with the lack of compromise and gridlock in Washington. If candidates like Mike Castle and Richard Lugar are defeated because they are willing to consider bipartisan solutions, the gridlock can only get worse.

I could not agree more with what Senator Lugar said in his typically thoughtful concession speech: ''Bipartisanship is not the opposite of principle. One can be very conservative or very liberal and still have a bipartisan mindset. Such a mindset acknowledges that the other party is also patriotic and may have some good ideas. It acknowledges that national unity is important, and that aggressive partisanship deepens cynicism, sharpens political vendettas, and depletes the national reserve of goodwill that is critical to our survival in hard times.''

INTERNATIONAL FOOD SECURITY

Mr. CARDIN. Mr. President, I rise today to express my enthusiastic support for our efforts to elevate international food security commitments through the G8, which is being held this weekend in Maryland.

I understand that President Obama has invited the Presidents of Benin, Ghana, Ethiopia, and Tanzania to participate in the summit and strategize on ways in which we can all work together to accelerate progress on food security. With over 1 billion poor and hungry people around the world, there is no time to wait.

Just 3 years ago, in L-Aquila, Italy, G8 leaders committed to support developing-country plans for agriculture to the tune of $7 billion a year over 3 years. African governments also committed to allocating 10 percent of their budgets to support agriculture, because they recognize that three-fourths of Africans make a living from agriculture.

This week we expect the G8 leaders to focus on private sector investment, donor coordination, innovation, and partnership. I see this as a natural next step in which we strive to amplify the truly historic commitments that we have made to ending world hunger.

As Secretary Clinton said in 2009, ''We have the resources to give every person in the world the tools they need to feed themselves and their children. So the question is not whether we can end hunger. It's whether we will.''

We must harness the good will of the private sector, do a better job of coordinating among ourselves in the

donor community, and show the American people that we are doing development better. With such a limited foreign assistance budget, getting the most out of every dollar that we spend is vital if we are going to beat global hunger and human suffering.

To that end, I am very pleased that the U.S. will be following up on not only what the members of the G8 committed but what they actually delivered. In order for our new food security initiative to succeed, all pledges must have clear accountability mechanisms.

I believe that our own Feed the Future Program, our global hunger and food security initiative, does just that. Feed the Future focuses on small farmers, particularly women. It helps countries to develop their agriculture sectors to generate opportunities for broad-based economic growth and trade, which in turn support increased incomes and help reduce hunger. It is strengthening strategic coordination to align the efforts of the private sector, civil society, and multilateral institutions. And it is delivering on sustained and accountable commitments through robust monitoring and evaluation systems. I look forward to hearing more about the Feed the Future success stories in the months to come, as USAID officials develop and release their accountability reports.

There are a few other elements of the program that I would just like to underscore as someone who cares very deeply about the status of women. First, Feed the Future developed and launched the Women's Empowerment in Agriculture Index, a research method which measures the quantity and quality of gender integrated programs. This is essential is we are to continue designing better development programs.

Second, Feed the Future has launched a fund to advance innovative approaches to promote gender equality in agriculture and land use and integrate gender effectively into agricultural development and food security programs. And third, Feed the Future has harnessed the capabilities of other U.S. Government partners such as the Department of Agriculture to develop science-based solutions to many of the problems faced by women farmers.

Feed the Future is already working with the private sector in Africa; just recently USAID announced a unique trilateral partnership between PepsiCo, USAID, and the World Food Program. Through this partnership they will provide a nutritionally fortified feeding product while helping to build long-term economic stability for smallholder chickpea farmers in Ethiopia by involving them directly in PepsiCo's product supply chain.

Ending global hunger is a monumental task. But when the leaders of France, Germany, Italy, Japan, the United Kingdom, Canada, Russia, and the United States join together with our African partners and the most powerful private sector and civil society organizations in the world, I believe it is one that we can achieve.

BUDGET RESOLUTION VOTES

Ms. KLOBUCHAR. Today I wish to discuss a series of votes we took yesterday on five different budget resolutions offered by my colleagues.

I ultimately voted against the budget resolutions offered by my colleagues because they were simply not in line with what I believe our priorities for this country should be.

Like my colleagues, I am very concerned about our long-term fiscal situation. That is why last year I helped pass the Budget Control Act of 2011. This legislation caps spending levels for 2012 and will reduce our deficit by at least $2.1 trillion over the next 10 years.

In many ways, the Budget Control Act is even more extensive than a traditional congressional budget resolution. Unlike a budget resolution that is not signed by the President, the Budget Control Act has the force of law. It also set discretionary caps for 10 years, instead of the 1 year normally set in a budget resolution.

Believing we should go further, I also voted for a constitutional balanced budget amendment offered by Senator UDALL of Colorado and cosponsored bipartisan legislation to give the President line-item veto authority to go after wasteful spending.

The key difference between the Budget Control Act and the budget resolutions that were offered yesterday is that the Budget Control Act did not achieve its savings on the backs of the middle class while at the same time giving more tax breaks to the wealthiest Americans.

In 2010, I worked with 14 Senators to block a statutory increase of our national debt limit until the Senate agreed to set up the bipartisan National Commission on Fiscal Responsibility. While I do not agree with every single recommendation included in the final report, I have made clear through my support for the bipartisan efforts in the Senate to advance this framework and I believe it provides a good starting point for the work we must do to reduce our debt.

This framework would put in place a long-term plan to responsibly reduce the deficit by achieving at least $4 trillion in debt reduction through a balance of revenue and spending cuts. This is the balanced approach I hear Minnesotans asking for every day, and it is the approach I will continue to insist we take.

ADDITIONAL STATEMENTS

2012 TOP COPS

● Mr. HELLER. Mr. President, today I wish to recognize five police officers from my home State of Nevada for being honored with the prestigious National Association of Police Officers, NAPO, 2012 TOP COPS award for their acts of heroism during a routine fraud call that turned into a deadly shooting. Las Vegas Metropolitan Police Department officers John Abel, Michael Ramirez, Corey Staheli, Beaumont Hopson, and David Williams' overwhelming courage in the line of duty epitomizes the best of what America's police officers have to offer. I am honored to recognize this group of Nevadans whose efforts to go above and beyond their oath to serve is a testament to the strength of our law enforcement community.

This year marks NAPO's 19th annual TOP COPS Awards ceremony to honor members of the law enforcement community for their heroic actions. I stand with NAPO in their dedication to raising public awareness concerning the contributions made by our law enforcement officers to the welfare of our communities. Officer Ramirez literally stood in the line of fire to protect shoppers at a Las Vegas WalMart while attempting to apprehend a criminal. His colleagues bravely answered the call to duty and fatally shot the assailant after he shot Officer Ramirez several times in the arm and once in the chest. Fortunately, Officer Ramirez's bulletproof vest, along with the bravery displayed by his colleagues, saved his life. I am so honored to acknowledge these exceptional individuals who are being recognized for their commitment to the safety, protection, and well-being of the people and community of Las Vegas.

It is a privilege to recognize our law enforcement officers who put their lives on the line for our protection every day. Their dedication to upholding and enforcing the law is essential to the welfare of our communities and is not taken for granted. The citizens of Nevada are proud to honor John, Michael, Corey, Beaumont, and David as TOP COPS and thank them for serving and protecting the Silver State.●

TRIBUTE TO CARY M. MAGUIRE

● Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the remarks of Representative RALPH HALL be printed in the RECORD on the tenacity of Cary M. Maguire, founder, Chair and President of the Dallas-based Mcguire Oil Company and Maguire Energy Company.

The remarks follow.

Mr. HALL. Mr. Speaker, I rise today in recognition of Cary M. Maguire, a fellow Texan who exemplifies fortitude, American entrepreneurship, and community service.

Over the past twenty years, Cary's strength of character was tested and proven as he fought for justice in a property rights dispute against the Houston, Texas city government. Despite being dealt a bad hand, court after court, Cary never surrendered. He showed courage and faith that justice would prevail, and his perseverance was ultimately rewarded.

Cary is the founder, Chair, and President of the Dallas-based Maguire Oil Company

and Maguire Energy Company. In 1991, Cary's company was given a permit by the city of Houston to drill near the banks of Lake Houston. However, when his crew began the project a city officer patrolling the area stopped the team, citing a city ordinance that prohibited drilling within 1,000 feet of the shore. The city revoked Maguire Oil's permit, and a lengthy court battle began.

The case was shuffled around for fourteen years as courts argued over jurisdiction and how to proceed. In 2009, a Harris County court-at-law awarded Maguire $2 million in damages, plus $2.2 million in interest. The City appealed this ruling before agreeing on a settlement, settling a lawsuit that spanned two trials, four appeals and the administrations of four mayors.

While acknowledging that the amount spent in legal fees exceeded the amount of the settlement, Cary stated that he continued the case because he thought it was important to defend the principle that while government has the right to take property for the public good, it does not have the right to do so without compensating the property owner.

Cary proceeded to donate the settlement money to found the Center for Ethics and Public Responsibility that bears his name at Southern Methodist University (SMU) in Dallas, Texas, where he serves as Trustee Emeritus in recognition for his outstanding service to the University as a member of the Board of Trustees from 1976 to 2000.

In addition to his founding grant to create the Maguire Center for Ethics and Public Responsibility, Cary also endowed a university-wide professorship in ethics at SMU. He has provided additional funds for programs and facilities in SMU's Edwin L. Cox School of Business, including the Maguire Energy Institute, the Maguire Chair in oil and gas management, and the Maguire Building housing undergraduate programs in the Cox School.

In 1995 he and his wife, Ann, were among the first recipients of SMU's Mustang Award honoring individuals whose longtime service and philanthropy have had a lasting impact on the University.

His national leadership positions include service on The National Petroleum Council, the Executive Committee of Mid-Continental Oil and Gas Association, and membership of the Madison Council of the Library of Congress, where he funded the Maguire Chair in Ethics and American History.

Mr. Speaker, Cary Maguire's professional and philanthropic contributions will have a lasting value not only in the great State of Texas, but our nation. He embodies many outstanding qualities that define the American spirit. As we adjourn the House of Representatives today, let us do so in appreciation of this American leader, Mr. Cary Maguire.●

TRIBUTE TO CHARLIE EARL

● Mrs. MURRAY. Mr. President, today I wish to recognize Charlie Earl for his exemplary record of public service to the Washington State Board for Community and Technical Colleges and the people of Washington State.

Charlie Earl will retire on July 31, 2012, after more than 40 years of public service in the State's higher education system and a variety of government positions. He most recently served for 6 years as the executive director of the Washington State Board for Community and Technical Colleges and 7 years as president of Everett Community College. As the executive director, Charlie worked to increase public access to higher education while enhancing the quality of Washington State's career and technical education system. All the while, the past several years have seen the most difficult economic environment in Washington State's recent history. As our State budget tightened, spending on our community colleges decreased by 22 percent, but this did not stop Charlie from developing a vision for the State and leading toward it with energy, passion, and commitment.

While Charlie served as executive director, he propelled Washington's community and technical colleges to be among the most innovative in the country. Charlie's leadership supported the development and expansion of the Washington State student achievement performance award, opportunity grants, 4-year applied baccalaureate degrees, an open course library, and the Integrated Basic Education and Skills Training, I-BEST, Program. These changes allowed for many students to return to school to earn their diploma or certificate or learn new skills required of the 21st century workforce. The I-BEST Program challenges the traditional notion that students must complete all basic education before they can begin postsecondary education or training. This model allowed students to move through school, earn degrees, and join the skilled workforce faster and with less cost to the student, State, and Federal Government. I am not alone in seeing this as a revolutionary model in adult education. In 2011, the I-BEST Program was named a ''Bright Idea'' by Harvard's John F. Kennedy School of Government and is being replicated in 20 other States. All of this would not have been possible if not for Charlie's leadership, advocacy, and stewardship of the Washington State Board for Community and Technical Education and its staff.

During Charlie's tenure, enrollment increased at Washington's 34 colleges by 80,000 students. This was clearly no small feat. Washington State has also seen the largest increase in certificates and degrees since the community and technical college system began tracking this statistic. This was achieved not simply because more students are enrolling in career and technical education but because more students are reaching important academic goals and building momentum to finish their academic program. As you can clearly see, Charlie worked tirelessly to promote student access, and ensure all students are making timely progress towards their education and career goals. The achievements of the Washington State Board for Community and Technical Colleges during Charlie's tenure as executive director have been remarkable.

Charlie graduated from the University of Washington with a bachelor's degree in finance and from Washington State University with a master of arts degree in political science. He serves as chair of the National Council of State Directors of Community Colleges, is a past president of the Washington Association of Community and Technical Colleges, and has been a board member of the Washington Council on Aerospace, Workforce Training and Education Coordinating Board, Early Learning Advisory Council, Governor's Job Creation Subcabinet, and National Governors' Association Compete to Complete Advisory Group. Charlie's entrepreneurial spirit and unwavering commitment to student success will be sorely missed. I join with many in Washington State in congratulating Charlie on his achievements, and I look forward to seeing all that he will accomplish in his retirement.●

TRIBUTE TO HEATHER JELEN

● Mr. THUNE. Mr. President, today I recognize Heather Jelen, a legal intern in my Washington, DC, office, for all the hard work she has done for me, my staff, and the State of South Dakota over the past year.

Heather is a graduate of Bethel University in Saint Paul, MN. Currently, she is attending George Washington University Law School in Washington, DC. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Heather for all the fine work she has done and wish her continued success in the years to come.●

CONGRATULATING HUMAN EVENTS

● Mr. TOOMEY. Mr. President, Human Events, the nation's oldest conservative weekly publication, has been a staple of the post-war conservative movement. I want to congratulate Human Events on its many years of providing incisive coverage and on its recent relaunch. According to the publication's mission, Human Events ''looks at events through eyes that favor limited constitutional government, local self-government, private enterprise and individual freedom. These were the principles that inspired the Founding Fathers.'' These are the values that have made and will continue to keep America great.●

TRIBUTE TO MONSIGNOR JOSEPH C. ANSALDI

● Mr. SCHUMER. Mr. President, today I wish to honor the extraordinary, selfless, and faithful commitment of Monsignor Joseph C. Ansaldi to the Catholic Church. On Saturday, June 2, 2012, Monsignor Ansaldi will celebrate the 50th Anniversary of his ordination to the priesthood.

Monsignor Ansaldi attended both a Catholic grammar school and a Catholic high school where he learned the

value of such a wonderful religious education. He realized early on that he wished to devote his life to the Catholic Church and the community in which he grew up. Following his early education, Monsignor Ansaldi attended and graduated from St. Joseph Dunwoodie with bachelor's degrees in philosophy and theology and later received his master's degree in history from Fordham University.

Ordained in 1962, his first assignment was chaplain at Mt. Loretto's Girls' Division. He then spent 6 years at Cardinal Hayes High School, where he taught history, German, and religion prior to his appointment there as dean of students. He then was appointed academic dean to St. Joseph by-the-Sea, and then in 1982, then archbishop of New York, Terrence Cardinal Cooke, appointed Monsignor Ansaldi as principal of St. Joseph by-the-Sea. Finally, in 1990, Pope John Paul II named Josepha C. Ansaldi a monsignor, and in 1991, Cardinal O'Connor appointed Monsignor Ansaldi Vicar of the Staten Island vicariate.

Under Monsignor Ansaldi's tenure, enrollment at St. Joseph by-the-Sea rose by more than 25 percent to over 1,300 students. He also expanded the physical plant of the school to ensure that these students had the resources necessary to prosper. Many of his students became National Merit Scholar finalists and are forever grateful to the extraordinary leadership of their principal.

Monsignor Ansaldi reminds us all about the tremendous role that educators play in the lives of students. Thousands of students have gone to college due to the efforts of Monsignor Ansaldi and many have been inspired to follow in the footsteps of Monsignor Ansaldi.

The extraordinary vibrancy of New York is greatly enriched by its strong religious community. These communities owe much of their prosperity to the tireless efforts of religious leaders. Monsignor Ansaldi, who has served the people of New York for 50 years, is one shining example of the important role religious leaders can play in the lives of thousands of people. They have provided their communities infinite wisdom and counsel during times good and bad. Monsignor Joseph C. Ansaldi is a true leader who has selflessly and faithfully devoted his life to the betterment of the Catholic Church and to all mankind.

Mr. President, it is my honor to acknowledge the achievement and contributions of Monsignor Joseph C. Ansaldi on this 50th anniversary of his ordination to the priesthood in the Catholic Church.●

TRIBUTE TO NANETTE A. NADEAU

● Mr. UDALL of Colorado. Mr. President, today I wish to honor Mrs. Nanette A. Nadeau, who on June 3, 2012, at Peterson Air Force Base, CO, will retire after over 36 years of Federal civil service. Nanette is the Deputy Director of Legislative Affairs for the North American Aerospace Defense Command and U.S. Northern Command. She has been an enduring presence and focal point for all congressional matters and our interaction with the commands.

Legislative liaisons facilitate communication between their agencies and Congress, effectively bridging our organizational cultures. These professionals require expert, almost insider, knowledge of Congressional procedure, committee structure, and legislative process. My office depends heavily on the rapport we have with military liaisons for timely, transparent dialogue. Nanette has exemplified the best of what we have come to appreciate.

Nanette is a native of Jefferson, NH. She attended White Mountain Regional High School where she had the distinction of recruiting the band Aerosmith to play at her senior prom. While her high school accomplishments were legendary, it was on a day she was absent from school that would change her life's course—the day she met a young soldier, Douglas Nadeau. Doug had received a call that day from a young lady who wanted to skip class with a couple friends, but they needed a ride because the school was several miles from town. Nanette was one of the friends. They married in June of 1974 and headed out together as Doug continued to serve our country around the world.

In the military, there is an adage that ''home is wherever the service sends you,'' and over the years the Nadeaus called places like Germany, Georgia, and Virginia home. Like other military spouses, Nanette made sacrifices along the way as she bounced from one civil service job to the next, sometimes settling for a lower grade. She started her Federal service career as a General Schedule-2, sorting mail in the Post Office in Giessen, Germany. Finding her niche in legislative affairs, she earned a reputation for excellence and was promoted over time to General Schedule-14 . Despite enduring frequent moves, Nanette found time to earn her bachelor's degree from The College of William & Mary, graduating summa cum laude, and later added an MBA from the University of Colorado, Colorado Springs, also summa cum laude, all while working full time.

After having seen the world, the Nadeaus felt most at home in Colorado. Fort Carson was where Doug was stationed when they were married and they returned in 1987 for Doug's last assignment, eventually deciding to settle in the Colorado Springs area. During her tenure as a legislative liaison, Nanette has prepared countless pages of testimony and led numerous congressional visits. She has orchestrated visits for my staff and me to military installations in the local community, including Peterson and Schriever Air Force Bases and Cheyenne Mountain Air Force Station. A pinnacle moment for Nanette was being awarded the well-deserved honor of Civilian of the Year in 2006.

Around NORAD and USNORTHCOM, Nanette has become known for her discretion, interpersonal skill, and sharp sense of humor. She enjoys a level of trust with her colleagues that can only be earned over time. Nanette will leave an indelible mark on NORAD and USNORTHCOM and her institutional knowledge and savvy analysis of legislative activity will be hard to replace. However, she can take pride in the knowledge that she leaves her post better than she found it, and be confident that her legacy will endure through those she has mentored over the years.

On behalf of a grateful nation, I thank Nanette for her many years of faithful, selfless service and offer warm congratulations on the occasion of her retirement. May she and Doug enjoy a very bright future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, treaties, and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13047 OF MAY 20, 1997, WITH RESPECT TO BURMA—PM 49

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days 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 Burma that was declared on May 20, 1997, is to continue in effect beyond May 20, 2012.

The Burmese government has made progress in a number of areas including

releasing hundreds of political prisoners, pursuing cease-fire talks with several armed ethnic groups, and pursuing a substantive dialogue with Burma's leading pro-democracy opposition party. The United States is committed to supporting Burma's reform effort, but the situation in Burma continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Burma has made important strides, but the political opening is nascent, and we continue to have concerns, including remaining political prisoners, ongoing conflict, and serious human rights abuses in ethnic areas. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and to maintain in force the sanctions that respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, *May 17, 2012.*

MESSAGES FROM THE HOUSE

At 11:26 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H. R. 2621. An act to establish the Chimney Rock National Monument in the State of Colorado, and for other purposes.

H. R. 2745. An act to amend the Mesquite Lands Act of 1986 to facilitate implementation of a multispecies habitat conservation plan for the Virgin River in Clark County, Nevada.

H. R. 4119. An act to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

ENROLLED BILL SIGNED

At 3:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4967. An act to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. UDALL of New Mexico).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2621. An act to establish the Chimney Rock National Monument in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2745. An act to amend the Mesquite Lands Act of 1986 to facilitate implementation of a multispecies habitat conservation plan for the Virgin River in Clark County, Nevada; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC 6123. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propylene oxide; Tolerance Actions'' (FRL No. 9346 8) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC 6124. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acetone; Exemption from the Requirement of a Tolerance'' (FRL No. 9344 2) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC 6125. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluxapyroxad; Pesticide Tolerances'' (FRL No. 9346 7) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC 6126. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Penflufen; Pesticide Tolerances'' (FRL No. 9341 8) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC 6127. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled ''Western Hemisphere Institute for Security Cooperation 2011 Report to Congress''; to the Committee on Armed Services.

EC 6128. A communication from the Acting Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to Department of Defense purchases from foreign entities for fiscal year 2011; to the Committee on Armed Services.

EC 6129. A communication from the Acting Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled ''Department of Defense Report to Congress on the Findings of the Logistics Management Institute Study 'Future Capability of DoD Maintenance Depots' ''; to the Committee on Armed Services.

EC 6130. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC 6131. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Enhancement of Electricity Market Surveillance and Analysis through Ongoing Electronic Delivery of Data from Regional Transmission Organizations and Independent System Operators'' (RIN1902 AE43) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Energy and Natural Resources.

EC 6132. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Fingerprint-Based Criminal History Records Checks for Individuals Seeking Unescorted Access to Non-power Reactors (Research and Test Reactors)'' (RIN3150 AI25) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Environment and Public Works.

EC 6133. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone'' (FRL No. 9671 4) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Environment and Public Works.

EC 6134. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Quality: Widespread Use for Onboard Refueling Vapor Recovery and Stage II Waiver'' (FRL No. 9671 3) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Environment and Public Works.

EC 6135. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oklahoma: Incorporation by Reference of Approved State Hazardous Waste Management Program'' (FRL No. 9652 9a) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Environment and Public Works.

EC 6136. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Permit to Construct Exemptions'' (FRL No. 9671 7) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Environment and Public Works.

EC 6137. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to the Control of Nitrogen Oxides Emissions from Industrial Boilers and Process Heaters at Petroleum Refineries'' (FRL No. 9671 9) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Environment and Public Works.

EC 6138. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware, New Jersey, and Pennsylvania; Determinations of Attainment of the 1997 Annual Fine Particulate Standard for the Philadelphia-Wilmington, PA-NJ-DE Nonattainment Area'' (FRL No. 9670 3) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Environment and Public Works.

EC 6139. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone:

Nonattainment Area Classifications Approach, Attainment Deadlines and Revocation of the 1997 Ozone Standards for Transportation Conformity Purposes'' (FRL No. 9667 9) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Environment and Public Works.

EC 6140. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Revocation of TSCA Section 4 Testing Requirements for One High Production Volume Chemical Substance'' (FRL No. 9350 2) received during adjournment of the Senate in the Office of the President of the Senate on May 11, 2012; to the Committee on Environment and Public Works.

EC 6141. A communication from the Acting Deputy Under Secretary for International Affairs, Department of Labor, transmitting, pursuant to law, a report entitled ''Progress in Implementing Chapter 16 (Labor) and Capacity-Building under the Dominican Republic-Central America-United States Free Trade Agreement''; to the Committee on Finance.

EC 6142. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Mortgage Insurance Premiums'' ((RIN1545 BH84) (TD 9588)) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Finance.

EC 6143. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modifications to Definition of United States Property'' ((RIN1545 BK11) (TD 9589)) received during adjournment of the Senate in the Office of the President of the Senate on April 11, 2012; to the Committee on Finance.

EC 6144. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual Price Inflation Adjustments for Contribution Limitations Made to a Health Savings Account Pursuant to Section 223 of the Internal Revenue Code'' (Rev. Proc. 2012 26) received in the Office of the President of the Senate on April 14, 2012; to the Committee on Finance.

EC 6145. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs: Reform of Hospital and Critical Access Hospital Conditions of Participation'' (RIN0938 AQ89) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Finance.

EC 6146. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Program: Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction'' (RIN0938 AQ96) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Finance.

EC 6147. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the 2011 annual report on voting practices in the United Nations; to the Committee on Foreign Relations.

EC 6148. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a Determination and Certification under Section 40A of the Arms Export Control Act relative to countries not cooperating fully with United States antiterrorism efforts; to the Committee on Foreign Relations.

EC 6149. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to amendment to parts 120 and 123 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC 6150. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to amendment to part 123 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC 6151. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed revision to part 121 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC 6152. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on Head Start Monitoring for Fiscal Year 2009''; to the Committee on Health, Education, Labor, and Pensions.

EC 6153. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Sterility Test Requirements for Biological Products'' (Docket No. FDA 2011 N 0080) received in the Office of the President of the Senate on May 10, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC 6154. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Loss Ratio Requirements under the Patient Protection and Affordable Care Act'' (RIN0938 AR41) received in the Office of the President of the Senate on May 15, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC 6155. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005 59, Small Entity Compliance Guide'' (FAC 2005 59) received in the Office of the President of the Senate on May 14, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC 6156. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Free Trade Agreement-Colombia'' ((RIN9000 AM24) (FAC 2005 59)) received in the Office of the President of the Senate on May 14, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC 6157. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Revision of Cost Accounting Standards Threshold'' ((RIN9000 AM25) (FAC 2005 59)) received in the Office of the President of the Senate on May 14, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC 6158. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Prohibition on Contracting with Inverted Domestic Corporations'' ((RIN9000 AM22) (FAC 2005 59)) received in the Office of the President of the Senate on May 14, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC 6159. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Second Quarter of Fiscal Year 2012''; to the Committee on Veterans' Affairs.

EC 6160. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; United States-Korea Free Trade Agreement'' ((RIN0750 AH69) (DFARS Case 2012 D025)) received in the Office of the President of the Senate on May 10, 2012; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Indian Affairs, with an amendment:

S. 676. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes (Rept. No. 112 166).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2554. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2017.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

James Xavier Dempsey, of California, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2016.

Elisebeth Collins Cook, of Illinois, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2014.

Rachel L. Brand, of Iowa, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2017.

David Medine, of Maryland, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2012.

David Medine, of Maryland, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2018.

Patricia M. Wald, of the District of Columbia, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2013.

Patricia M. Wald, of the District of Columbia, to be a Member of the Privacy and Civil

Liberties Oversight Board for a term expiring January 29, 2019.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 3196. A bill to establish the National Women's High-Growth Business Bipartisan Task Force, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 3197. A bill to reauthorize the women's business center program of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 3198. A bill to amend the Small Business Act to improve the entrepreneurial development programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. SCHUMER (for himself, Mr. BLUMENTHAL, Mr. BLUNT, Mr. COONS, Mr. HELLER, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. LEE, Mr. MANCHIN, Ms. MIKULSKI, Mr. RUBIO, Mrs. SHAHEEN, Mr. BROWN of Massachusetts, Ms. MURKOWSKI, Ms. AYOTTE, and Mr. RISCH):

S. 3199. A bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States and for other purposes; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 3200. A bill to require the Small Business Administration to submit a regular National Small Business Index to Congress to assess how policies provide incentives or impediments to small business development; to the Committee on Small Business and Entrepreneurship.

By Mr. REED (for himself and Mr. KYL):

S. 3201. A bill to reform graduate medical education payments, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. BURR, Mr. NELSON of Florida, and Mr. RUBIO):

S. 3202. A bill to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG (for himself and Mr. RUBIO):

S. 3203. A bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. JOHANNS (for himself, Mr. WARNER, Mr. CORKER, and Mr. TESTER):

S. 3204. A bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Mr. CASEY, Mr. BLUMENTHAL, and Mr. HARKIN):

S. 3205. A bill to amend the Internal Revenue Code of 1986 to provide that persons renouncing citizenship for a substantial tax avoidance purpose shall be subject to tax and withholding on capital gains, to provide that such persons shall not be admissible to the United States, and for other purposes; to the Committee on Finance.

By Mr. BOOZMAN (for himself and Mr. BEGICH):

S. 3206. A bill to amend title 38, United States Code, to extend the authorization of appropriations for the Secretary of Veterans Affairs to pay a monthly assistance allowance to disabled veterans training or competing for the Paralympic Team and the authorization of appropriations for the Secretary of Veterans Affairs to provide assistance to United States Paralympics, Inc., and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INHOFE:

S. Res. 466. A resolution calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko; to the Committee on Foreign Relations.

By Mr. WHITEHOUSE (for himself, Mr. AKAKA, Mr. BLUMENTHAL, Mr. CARDIN, Ms. COLLINS, Mrs. FEINSTEIN, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. MURRAY, Mr. REED, Mr. SANDERS, Ms. SNOWE, and Mrs. BOXER):

S. Res. 467. A resolution designating May 18, 2012, as ''Endangered Species Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 438

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 438, 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.

S. 547

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 547, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. 595

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was withdrawn as a cosponsor of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 693

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 693, a bill to establish a term certain for the conservatorships of Fannie Mae and Freddie Mac, to provide conditions for continued operation of such enterprises, and to provide for the wind down of such operations and dissolution of such enterprises.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 1335

At the request of Mr. BROWN of Ohio, his name was added as a cosponsor of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1989

At the request of Ms. CANTWELL, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1989, a bill to amend the Internal Revenue Code of 1986 to make permanent the minimum low-income housing tax credit rate for unsubsidized buildings and to provide a minimum 4 percent credit rate for existing buildings.

S. 1993

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1993, a bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement.

S. 2010

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 2036

At the request of Mrs. GILLIBRAND, the names of the Senator from Indiana (Mr. COATS), the Senator from Utah (Mr. HATCH), the Senator from Idaho

(Mr. RISCH) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2036, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2179

At the request of Mr. WEBB, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2179, a bill to amend title 38, United States Code, to improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense, and for other purposes.

S. 2226

At the request of Mr. PAUL, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 2226, a bill to prohibit the Administrator of the Environmental Protection Agency from awarding any grant, contract, cooperative agreement, or other financial assistance under section 103 of the Clean Air Act for any program, project, or activity carried out outside the United States, including the territories and possessions of the United States.

S. 2234

At the request of Mr. BLUMENTHAL, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2234, a bill to prevent human trafficking in government contracting.

S. 2250

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2250, a bill to prevent homeowners from being forced to pay taxes on forgiven mortgage loan debt.

S. 2264

At the request of Mr. HOEVEN, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2264, a bill to provide liability protection for claims based on the design, manufacture, sale, offer for sale, introduction into commerce, or use of certain fuels and fuel additives, and for other purposes.

S. 2325

At the request of Mr. NELSON of Florida, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2325, a bill to authorize further assistance to Israel for the Iron Dome anti-missile defense system.

S. 2347

At the request of Mr. CARDIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 3083

At the request of Mr. RUBIO, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Kansas (Mr. MORAN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3083, a bill to amend the Internal Revenue Code of 1986 to require certain nonresident aliens to provide valid immigration documents to claim the refundable portion of the child tax credit.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 380

At the request of Mr. GRAHAM, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

At the request of Mr. DURBIN, his name was added as a cosponsor of S. Res. 380, supra.

S. RES. 399

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 399, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, crimes against humanity, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 3196. A bill to establish the National Women's High-Growth Business Bipartisan Task Force, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce S. 3196 and S. 3197. This legislation will strengthen the resources and support that we provide to women entrepreneurs, and to strengthen oversight of the SBA's technical assistance programs. The SBA's Entrepreneurial Development programs are a vital source of training and management support for entrepreneurs, and I am pleased to work with Chair LANDRIEU to improve these programs and ensure that the taxpayer dollars that support them are being utilized in the most efficient and effective way possible.

The Women's Small Business Ownership Act of 2012 builds upon our commitment to providing assistance to women entrepreneurs, whose firms have grown at ice the rate of other firms. The SBA's Women's Business Center, WBC, program provides critical assistance to economically or socially disadvantaged entrepreneurs, especially women. The bill I am introducing today with Chair LANDRIEU holds funding for the WBC program at current levels for the next three years, in recognition that now is not the time to grow Federal programs, including proven ones like the SBA's technical assistance efforts.

Our bill also makes necessary improvements to the WBC program, such as establishing a process and criteria that the SBA must follow in administering grants under this program, and expanding eligible entities that can host Women's Business Centers to include local economic development organizations and community colleges. It also improves the transparency of project funds to ensure that WBC hosts are not comingling their grant funds with those for separate purposes and initiatives.

To further strengthen growth in women-owned businesses, we are also introducing the National Women's High-Growth Business Bipartisan Task Force Act of 2012. This legislation would repeal the National Women's Business Council and replace it with a Women's High-Growth Business Bipartisan Task Force charged with developing and promoting initiatives, policies, and programs designed to encourage the formation of startups and high-growth small business concerns owned by women.

Under current law, the Council receives funding to employ an executive director and four additional employees, who may receive a maximum pay rate of GS 15. However, most other advisory committees across the government and SBA operate without staff, and under this bill we will save taxpayers nearly $1 million by transitioning the current Council into a Task Force, similar to the Interagency Veteran's Task Force at the SBA, which was established in 2008.

Additionally, this legislation places an emphasis on high-growth small businesses owned and controlled by women. Recently, the Kauffman Foundation, based in Kansas City, MO, researched the effects of startups as part of the American economy. These reports demonstrate the necessity of new and young start-ups to act as mechanisms for reviving the American economy; particularly those of high-growth entrepreneurs. In this rapidly growing area of high-growth firms, which often incorporate intellectual property endeavors, this bill ensures that women's small business concerns are being addressed, with an emphasis on achieving and maximizing high-growth potential.

Finally, I am pleased to join Chair LANDRIEU in introducing the Strengthening Resources for America's Entrepreneurs Act. This legislation aims to improve oversight and coordination among the SBA's existing entrepreneurial development, ED, programs, including the Women's Business Centers, WBC, the Small Business Development Centers, SBDC, and the Service Corps of Retired Executives, SCORE, by setting performance measures, reducing duplication, and increasing partnerships with local entrepreneurial training providers to make them more effective and responsive to the needs of small businesses.

Importantly, this legislation makes several changes to the SBA's entrepreneurial development programs at no cost to taxpayers. The bill instructs the SBA to develop a plan outlining how to use ED initiatives to create new jobs over the next 2 years, improves cross-program coordination to maximize use of program resources, establishes a consistent data collection process for all of its technical assistance programs, and ensures that someone is available to assist small businesses at all SBA district offices. By requiring the SBA to collect data will provide important insights into the strengths of the ED programs and highlight where there is room for improvement.

Now, more than ever, we in Congress must do everything within our power to help small businesses drive our Nation's economic recovery, and the SBA programs we are reauthorizing today are critical elements of that support. In the coming weeks, I look forward to working with the Chair and my colleagues on both sides of the aisle to move these bills through the full Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3196

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Women's High-Growth Business Bipartisan Task Force Act of 2012''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''Task Force'' means the National Women's High-Growth Business Bipartisan Task Force established under section 3; and

(3) the term ''small business concern owned and controlled by women'' has the meaning given that term in section 3(n) of the Small Business Act (15 U.S.C. 632(n)).

SEC. 3. NATIONAL WOMEN'S HIGH-GROWTH BUSINESS BIPARTISAN TASK FORCE.

(a) ESTABLISHMENT.—There is established the National Women's High-Growth Business Bipartisan Task Force, which shall serve as an independent source of advice, research, and policy recommendations to—

(1) the Administrator;

(2) the Assistant Administrator of the Office of Women's Business Ownership of the Administration;

(3) Congress;

(4) the President; and

(5) other Federal departments and agencies.

(b) MEMBERSHIP.—

(1) NUMBER OF MEMBERS.—The Task Force shall be composed of 15 members, of which—

(A) 8 shall be individuals who own small business concerns owned and controlled by women, including not fewer than 2 individuals who own small business concerns owned and controlled by women in industries in which women are traditionally underrepresented;

(B) 2 shall be individuals having expertise conducting research on women's business, women's entrepreneurship, new business development by women, and high-growth business development; and

(C) 5 shall be individuals who represent women's business organizations, including women's business centers and women's business advocacy groups.

(2) APPOINTMENT OF MEMBERS.—

(A) OWNERS OF SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.—Of the members of the Task Force described in paragraph (1)(A)—

(i) 2 shall be appointed by the Chairperson of the Committee on Small Business and Entrepreneurship of the Senate;

(ii) 2 shall be appointed by the Ranking Member of the Committee on Small Business and Entrepreneurship of the Senate;

(iii) 2 shall be appointed by the Chairperson of the Committee on Small Business of the House of Representatives; and

(iv) 2 shall be appointed by the Ranking Member of the Committee on Small Business of the House of Representatives.

(B) OTHER MEMBERS.—The members of the Task Force described in subparagraphs (B) and (C) of paragraph (1) shall be appointed by the Administrator.

(C) INITIAL APPOINTMENTS.—The individuals described in subparagraphs (A) and (B) shall appoint the initial members of the Task Force not later than 90 days after the date of enactment of this Act.

(D) GEOGRAPHIC CONSIDERATIONS.—In making an appointment under this paragraph, the individuals described in subparagraphs (A) and (B) shall give consideration to the geographic areas of the United States in which the members of the Task Force live and work, particularly to ensure that rural areas are represented on the Task Force.

(E) POLITICAL AFFILIATION.—Not more than 8 members of the Task Force may be members of the same political party.

(3) CHAIRPERSON.—

(A) ELECTION OF CHAIRPERSON.—The members of the Task Force shall elect 1 member of the Task Force as Chairperson of the Task Force.

(B) VACANCIES.—Any vacancy in the position of Chairperson of the Task Force shall be filled by the Task Force at the first meeting of the Task Force after the date on which the vacancy occurs.

(4) TERM OF SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term of service of each member of the Task Force shall be 3 years.

(B) TERMS OF INITIAL APPOINTEES.—Of the members of the Task Force first appointed after the date of enactment of this Act—

(i) 6 shall be appointed for a term of 4 years, including—

(I) 1 member appointed by the individuals described in each of clauses (i), (ii), (iii), and (iv) of paragraph (2)(A); and

(II) 2 members appointed by the Administrator; and

(ii) 5 shall be appointed for a term of 5 years, including—

(I) 1 member appointed by the individuals described in each of clauses (i), (ii), (iii), and (iv) of paragraph (2)(A); and

(II) 1 member appointed by the Administrator.

(5) VACANCIES.—A vacancy on the Task Force shall be filled not later than 30 days after the date on which the vacancy occurs, in the manner in which the original appointment was made, and shall be subject to any conditions that applied to the original appointment. An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(6) PROHIBITION ON FEDERAL EMPLOYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no member of the Task Force may serve as an officer or employee of the United States.

(B) EXCEPTION.—A member of the Task Force who accepts a position as an officer or employee of the United States after appointment to the Task Force may continue to serve on the Task Force for not more than 30 days after the date of such acceptance.

(7) COMPENSATION AND EXPENSES.—

(A) NO COMPENSATION.—Each member of the Task Force shall serve without compensation.

(B) EXPENSES.—The Administrator shall reimburse the members of the Task Force for travel and subsistence expenses in accordance with section 5703 of title 5, United States Code.

(c) DUTIES.—The Task Force shall—

(1) review and monitor plans and programs developed in the public and private sectors that affect the ability of small business concerns owned and controlled by women to obtain capital and credit and to access markets, and provide advice on improving coordination between such plans and programs;

(2) monitor and promote the plans, programs, and operations of the Federal departments and agencies that contribute to the formation and development of small business concerns owned and controlled by women, and make recommendations to Federal departments and agencies concerning the coordination of such plans, programs, and operations;

(3) develop and promote initiatives, policies, programs, and plans designed to encourage the formation of startups and high-growth small business concerns owned and controlled by women;

(4) advise the Administrator on the development and implementation of an annual comprehensive plan for joint efforts by the public and private sectors to facilitate the formation and development of startups and high-growth small business concerns owned and controlled by women; and

(5) examine the link between women who own small business concerns and intellectual property, including—

(A) the number of patents, trademarks, and copyrights granted to women; and

(B) the challenges faced by high-growth small business concerns owned and controlled by women in obtaining and enforcing intellectual property rights.

(d) POWERS.—

(1) HEARINGS.—The Task Force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out its duties.

(2) TASK GROUPS.—The Task Force may, from time to time, establish temporary task groups, as necessary to carry out the duties of the Task Force.

(3) INFORMATION FROM FEDERAL AGENCIES.—Upon request of the Chairperson of the Task

Force, the head of any Federal department or agency shall furnish such information to the Task Force as the Task Force considers necessary to carry out its duties.

(4) USE OF MAILS.—The Task Force may use the United States mails in the same manner and under the same conditions as Federal departments and agencies.

(5) GIFTS.—The Task Force may accept, use, and dispose of gifts or donations of services or property.

(e) MEETINGS.—

(1) IN GENERAL.—The Task Force shall meet—

(A) not less than 3 times each year;

(B) at the call of the Chairperson; and

(C) upon the request of—

(i) the Administrator;

(ii) the Chairperson and Ranking Member of the Committee on Small Business and Entrepreneurship of the Senate; or

(iii) the Chairperson and Ranking Member of the Committee on Small Business of the House of Representatives.

(2) PARTICIPATION OF FEDERAL AGENCIES.—

(A) PARTICIPATION ENCOURAGED.—The Task Force shall allow and encourage participation in meetings by representatives from Federal agencies.

(B) FUNCTIONS OF REPRESENTATIVES OF FEDERAL AGENCIES.—A representative from a Federal agency—

(i) may be used as a resource; and

(ii) may not vote or otherwise act as a member of the Task Force.

(3) LOCATION.—Each meeting of the full Task Force shall be held at the headquarters of the Administration, unless, not later than 1 month before the meeting, a majority of the members of the Task Force agree to meet at another location.

(4) SUPPORT BY ADMINISTRATOR.—The Administrator shall provide suitable meeting facilities and such administrative support as may be necessary for each full meeting of the Task Force.

(f) REPORTS.—

(1) REPORTS BY TASK FORCE.—

(A) REPORTS REQUIRED.—Not later than 30 days after the end of each fiscal year, the Task Force shall submit to the President and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report containing—

(i) a detailed description of the activities of the Task Force, including a report on how the Task Force has carried out the duties described in subsection (c);

(ii) the findings and recommendations of the Task Force; and

(iii) the recommendations of the Task Force for—

(I) promoting intellectual property rights for high-growth small business concerns owned and controlled by women; and

(II) such legislative and administrative actions as the Task Force considers appropriate to promote the formation and development of small business concerns owned and controlled by women.

(B) FORM OF REPORTS.—The report required under subparagraph (A) shall include—

(i) any concurring or dissenting views of the Administrator; and

(ii) the minutes of each meeting of the Task Force.

(2) REPORTS BY CHIEF COUNSEL FOR ADVOCACY.—

(A) STUDIES.—

(i) IN GENERAL.—Not less frequently than twice each year, the Chief Counsel for Advocacy of the Small Business Administration, in consultation with the Task Force, shall conduct a study of an issue that is important to small business concerns owned and controlled by women.

(ii) TOPICS.—The topic of a study under clause (i) shall—

(I) be an issue that the Task Force determines is critical to furthering the interests of small business concerns owned and controlled by women; and

(II) relate to—

(aa) Federal prime contracts and subcontracts awarded to small business concerns owned and controlled by women;

(bb) access to credit and investment capital by women entrepreneurs;

(cc) acquiring and enforcing intellectual property rights; or

(dd) any other issue relating to small business concerns owned and controlled by women that the Task Force determines is appropriate.

(iii) CONTRACTING.—In conducting a study under this subparagraph, the Chief Counsel may contract with a public or private entity.

(B) REPORT.—The Chief Counsel for Advocacy shall—

(i) submit a report containing the results of each study under subparagraph (A) to the Task Force, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives; and

(ii) make each report submitted under clause (i) available to the public online.

(g) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 4. REPEAL.

(a) FINAL REPORTS.—Not later than 90 days after of the date of enactment of this Act—

(1) the Interagency Committee on Women's Business Enterprise shall submit to the President and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the information described in paragraphs (1), (2), and (3) of section 404 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7104), as in effect on the day before the date of enactment of this Act; and

(2) the National Women's Business Council shall submit to the President and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the information described in subparagraphs (A), (B), and (C) of section 406(d)(6) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7106), as in effect on the day before the date of enactment of this Act.

(b) REPEAL.—The Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended by striking title IV (15 U.S.C. 7101 et seq.).

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 8(b)(1)(G) (15 U.S.C. 637(b)(1)(G)), by striking ''and to carry out the activities authorized by title IV of the Women's Business Ownership Act of 1988''; and

(2) in section 29(g) (15 U.S.C. 656(g))—

(A) in paragraph (1), by striking ''women's business enterprises (as defined in section 408 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note))'' and inserting ''small business concerns owned and controlled by women''; and

(B) in paragraph (2)(B)(ii)—

(i) in subclause (VI), by adding ''and'' at the end;

(ii) in subclause (VII), by striking the semicolon at the end and inserting a period; and

(iii) by striking subclauses (VIII), (IX), and (X).

(d) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall take effect 90 days after the date of enactment of this Act.

By Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 3197. A bill to reauthorize the women's business center program of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3197

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Women's Small Business Ownership Act of 2012''.

SEC. 2. DEFINITION.

In this Act, the term ''Administrator'' means the Administrator of the Small Business Administration.

SEC. 3. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

(a) IN GENERAL.—Section 29(g) of the Small Business Act (15 U.S.C. 656(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)—

(i) in clause (i), by striking ''in the areas'' and all that follows through the end of subclause (I), and inserting the following: ''to address issues concerning the management, operations, manufacturing, technology, finance, retail and product sales, international trade, Government contracting, and other disciplines required for—

''(I) starting, operating, and increasing the business of a small business concern;''; and

(ii) in clause (ii), by striking ''Women's Business Center program'' each place that term appears and inserting ''women's business center program''; and

(B) in subparagraph (C), by inserting before the period at the end the following: '', the National Women's Business Council, and any association of women's business centers''; and

(2) by adding at the end the following:

''(3) TRAINING.—The Administrator may provide annual programmatic and financial examination training for women's business ownership representatives and district office technical representatives of the Administration to enable representatives to carry out their responsibilities.

''(4) PROGRAM AND TRANSPARENCY IMPROVEMENTS.—The Administrator shall maximize the transparency of the women's business center financial assistance proposal process and the programmatic and financial examination process by—

''(A) providing public notice of any announcement for financial assistance under subsection (b) or a grant under subsection (l) not later than the end of the first quarter of each fiscal year;

''(B) in the announcement described in subparagraph (A), outlining award and program evaluation criteria and describing the weighting of the criteria for financial assistance under subsection (b) and grants under subsection (l);

''(C) minimizing paperwork and reporting requirements for applicants for and recipients of financial assistance under this section;

''(D) standardizing the programmatic and financial examination process; and

''(E) providing to each women's business center, not later than 60 days after the completion of a site visit to the women's business center (whether conducted for an audit, performance review, or other reason), a copy of any site visit reports or evaluation reports prepared by district office technical representatives or officers or employees of the Administration.''.

(b) CHANGE OF TITLE.—

(1) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(A) in subsection (a)—

(i) by striking paragraphs (1) and (4);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(iii) by inserting before paragraph (4), as so redesignated, the following:

''(2) the term 'Director' means the Director of the Office of Women's Business Ownership established under subsection (g);'';

(B) by striking ''Assistant Administrator'' each place that term appears and inserting ''Director''; and

(C) in subsection (g)(2), in the paragraph heading, by striking ''ASSISTANT ADMINISTRATOR'' and inserting ''DIRECTOR''.

(2) WOMEN'S BUSINESS OWNERSHIP ACT OF 1988.—Title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101 et seq.) is amended—

(A) in section 403(a)(2)(B), by striking ''Assistant Administrator'' and inserting ''Director'';

(B) in section 405, by striking ''Assistant Administrator'' and inserting ''Director''; and

(C) in section 406(c), by striking ''Assistant Administrator'' and inserting ''Director''.

SEC. 4. WOMEN'S BUSINESS CENTER PROGRAM.

(a) WOMEN'S BUSINESS CENTER FINANCIAL ASSISTANCE.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a), as amended by section 3(b) of this Act—

(A) by inserting before paragraph (2) the following:

''(1) the term 'association of women's business centers' means an organization—

''(A) that represents not less than 51 percent of the women's business centers that participate in a program under this section; and

''(B) whose primary purpose is to represent women's business centers;'';

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

''(3) the term 'eligible entity' means—

''(A) a private nonprofit organization;

''(B) a State, regional, or local economic development organization;

''(C) a development, credit, or finance corporation chartered by a State;

''(D) a junior or community college, as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)); or

''(E) any combination of entities listed in subparagraphs (A) through (D);'';

(C) in paragraph (4), by striking ''and'' at the end;

(D) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(E) by adding after paragraph (5) the following:

''(6) the term 'women's business center' means a project conducted by an eligible entity under this section.'';

(2) in subsection (b)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), and adjusting the margins accordingly;

(B) by striking ''The Administration'' and all that follows through ''5-year projects'' and inserting the following:

''(1) IN GENERAL.—The Administration may provide financial assistance to an eligible entity to conduct a project under this section'';

(C) by striking ''The projects shall'' and inserting the following:

''(2) USE OF FUNDS.—The project shall be designed to provide training and counseling that meets the needs of women, especially socially and economically disadvantaged women, and shall''; and

(D) by adding at the end the following:

''(3) AMOUNT OF FINANCIAL ASSISTANCE.—

''(A) IN GENERAL.—The Administrator may award financial assistance under this subsection of not less than $100,000 and not more than $150,000 per year.

''(B) LOWER AMOUNT.—The Administrator may award financial assistance under this subsection to a recipient in an amount that is less than $100,000 if the Administrator determines that the recipient is unable to make a non-Federal contribution of $100,000 or more, as required under subsection (c).

''(C) EQUAL ALLOCATIONS.—If the Administration has insufficient funds to provide financial assistance of not less than $100,000 for each recipient of financial assistance under this subsection in any fiscal year, the Administrator shall provide an equal amount of financial assistance to each recipient in the fiscal year, unless a recipient requests a lower amount than the allocated amount.

''(4) CONSULTATION WITH ASSOCIATIONS OF WOMEN'S BUSINESS CENTERS.—The Administrator shall consult with each association of women's business centers to develop—

''(A) a training program for the staff of women's business centers and the Administration; and

''(B) recommendations to improve the policies and procedures for governing the general operations and administration of the women's business center program, including grant program improvements under subsection (g)(4).'';

(3) in subsection (c)—

(A) in paragraph (1) by striking ''the recipient organization'' and inserting ''an eligible entity'';

(B) in paragraph (3), in the second sentence, by striking ''a recipient organization'' and inserting ''an eligible entity'';

(C) in paragraph (4)—

(i) by striking ''recipient of assistance'' and inserting ''eligible entity'';

(ii) by striking ''such organization'' and inserting ''the eligible entity''; and

(iii) by striking ''recipient'' and inserting ''eligible entity''; and

(D) in paragraph (5)—

(i) in subparagraph (A), by striking ''a recipient organization'' and inserting ''an eligible entity''; and

(ii) by striking ''the recipient organization'' each place it appears and inserting ''the eligible entity''; and

(E) by adding at end the following:

''(6) SEPARATION OF PROJECT AND FUNDS.—An eligible entity shall—

''(A) carry out a project under this section separately from other projects, if any, of the eligible entity; and

''(B) separately maintain and account for any financial assistance under this section.'';

(4) in subsection (e)—

(A) by striking ''applicant organization'' and inserting ''eligible entity'';

(B) by striking ''a recipient organization'' and inserting ''an eligible entity''; and

(C) by striking ''site'';

(5) by striking subsection (f) and inserting the following:

''(f) APPLICATIONS AND CRITERIA FOR INITIAL FINANCIAL ASSISTANCE.—

''(1) APPLICATION.—Each eligible entity desiring financial assistance under subsection (b) shall submit to the Administrator an application that contains—

''(A) a certification that the eligible entity—

''(i) has designated an executive director or program manager, who may be compensated using financial assistance under subsection (b) or other sources, to manage the center on a full-time basis;

''(ii) as a condition of receiving financial assistance under subsection (b), agrees—

''(I) to receive a site visit by the Administrator as part of the final selection process;

''(II) to undergo an annual programmatic and financial examination; and

''(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site visit or examination under subclause (I) or (II); and

''(iii) meets the accounting and reporting requirements established by the Director of the Office of Management and Budget;

''(B) information demonstrating that the eligible entity has the ability and resources to meet the needs of the market to be served by the women's business center for which financial assistance under subsection (b) is sought, including the ability to obtain the non-Federal contribution required under subsection (c);

''(C) information relating to the assistance to be provided by the women's business center for which financial assistance under subsection (b) is sought in the area in which the women's business center is located;

''(D) information demonstrating the experience and effectiveness of the eligible entity in—

''(i) conducting financial, management, and marketing assistance programs, as described in subsection (b)(2), which are designed to teach or upgrade the business skills of women who are business owners or potential business owners;

''(ii) providing training and services to a representative number of women who are socially and economically disadvantaged; and

''(iii) working with resource partners of the Administration and other entities, such as universities; and

''(E) a 5-year plan that describes the ability of the women's business center for which financial assistance is sought—

''(i) to serve women who are business owners or potential business owners by conducting training and counseling activities; and

''(ii) to provide training and services to a representative number of women who are socially and economically disadvantaged.

''(2) ADDITIONAL INFORMATION.—The Administrator shall make any request for additional information from an organization applying for financial assistance under subsection (b) that was not requested in the original announcement in writing.

''(3) REVIEW AND APPROVAL OF APPLICATIONS FOR INITIAL FINANCIAL ASSISTANCE.—

''(A) IN GENERAL.—The Administrator shall—

''(i) review each application submitted under paragraph (1), based on the information described in such paragraph and the criteria set forth under subparagraph (B) of this paragraph; and

''(ii) to the extent practicable, as part of the final selection process, conduct a site visit to each women's business center for which financial assistance under subsection (b) is sought.

''(B) SELECTION CRITERIA.—

''(i) IN GENERAL.—The Administrator shall evaluate applicants for financial assistance under subsection (b) in accordance with selection criteria that are—

''(I) established before the date on which applicants are required to submit the applications;

''(II) stated in terms of relative importance; and

''(III) publicly available and stated in each solicitation for applications for financial assistance under subsection (b) made by the Administrator.

''(ii) REQUIRED CRITERIA.—The selection criteria for financial assistance under subsection (b) shall include—

''(I) the experience of the applicant in conducting programs or ongoing efforts designed to teach or enhance the business skills of women who are business owners or potential business owners;

''(II) the ability of the applicant to begin a project within a minimum amount of time;

''(III) the ability of the applicant to provide training and services to a representative number of women who are socially and economically disadvantaged; and

''(IV) the location for the women's business center proposed by the applicant, including whether the applicant is located in a State in which there is not a women's business center receiving funding from the Administration.

''(C) PROXIMITY.—If the principal place of business of an applicant for financial assistance under subsection (b) is located less than 50 miles from the principal place of business of a women's business center that received funds under this section on or before the date of the application, the applicant shall not be eligible for the financial assistance, unless the applicant submits a detailed written justification of the need for an additional center in the area in which the applicant is located.

''(D) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this subsection for not less than 7 years.''; and

(6) in subsection (m)—

(A) by striking paragraph (3) and inserting the following:

''(3) APPLICATION AND APPROVAL FOR RENEWAL GRANTS.—

''(A) SOLICITATION OF APPLICATIONS.—The Administrator shall solicit applications and award grants under this subsection for the first fiscal year beginning after the date of enactment of the Women's Small Business Ownership Act of 2012, and every third fiscal year thereafter.

''(B) CONTENTS OF APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit to the Administrator an application that contains—

''(i) a certification that the applicant—

''(I) is an eligible entity;

''(II) has designated a full-time executive director or program manager to manage the women's business center operated by the applicant; and

''(III) as a condition of receiving a grant under this subsection, agrees—

''(aa) to receive a site visit as part of the final selection process;

''(bb) to submit, for the 2 full fiscal years before the date on which the application is submitted, annual programmatic and financial examination reports or certified copies of the compliance supplemental audits under OMB Circular A 133 of the applicant; and

''(cc) to remedy any problem identified pursuant to the site visit or examination under item (aa) or (bb);

''(ii) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women's business center for which a grant under this subsection is sought, including the ability to obtain the non-Federal contribution required under paragraph (4)(C);

''(iii) information relating to assistance to be provided by the women's business center in the area served by the women's business center for which a grant under this subsection is sought;

''(iv) information demonstrating that the applicant has worked with resource partners of the Administration and other entities;

''(v) a 3-year plan that describes the ability of the women's business center for which a grant under this subsection is sought—

''(I) to serve women who are business owners or potential business owners by conducting training and counseling activities; and

''(II) to provide training and services to a representative number of women who are socially and economically disadvantaged; and

''(vi) any additional information that the Administrator may reasonably require.

''(C) REVIEW AND APPROVAL OF APPLICATIONS FOR GRANTS.—

''(i) IN GENERAL.—The Administrator shall—

''(I) review each application submitted under subparagraph (B), based on the information described in such subparagraph and the criteria set forth under clause (ii) of this subparagraph; and

''(II) whenever practicable, as part of the final selection process, conduct a site visit to each women's business center for which a grant under this subsection is sought.

''(ii) SELECTION CRITERIA.—

''(I) IN GENERAL.—The Administrator shall evaluate applicants for grants under this subsection in accordance with selection criteria that are—

''(aa) established before the date on which applicants are required to submit the applications;

''(bb) stated in terms of relative importance; and

''(cc) publicly available and stated in each solicitation for applications for grants under this subsection made by the Administrator.

''(II) REQUIRED CRITERIA.—The selection criteria for a grant under this subsection shall include—

''(aa) the total number of entrepreneurs served by the applicant;

''(bb) the total number of new startup companies assisted by the applicant;

''(cc) the percentage of clients of the applicant that are socially or economically disadvantaged; and

''(dd) the percentage of individuals in the community served by the applicant who are socially or economically disadvantaged.

''(iii) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to make a grant under this subsection, the Administrator—

''(I) shall consider the results of the most recent evaluation of the women's business center for which a grant under this subsection is sought, and, to a lesser extent, previous evaluations; and

''(II) may withhold a grant under this subsection, if the Administrator determines that the applicant has failed to provide the information required to be provided under this paragraph, or the information provided by the applicant is inadequate.

''(D) NOTIFICATION.—Not later than 60 days after the date of each deadline to submit applications, the Administrator shall approve or deny any application under this paragraph and notify the applicant for each such application of the approval or denial.

''(E) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this paragraph for not less than 7 years.''; and

(B) by striking paragraph (5) and inserting the following:

''(5) AWARD TO PREVIOUS RECIPIENTS.—There shall be no limitation on the number of times the Administrator may award a grant to an applicant under this subsection.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(A) in subsection (h)(2), by striking ''to award a contract (as a sustainability grant) under subsection (l) or'';

(B) in subsection (j)(1), by striking ''The Administration'' and inserting ''Not later than November 1 of each year, the Administrator'';

(C) in subsection (k)—

(i) by striking paragraphs (1), (2), and (4);

(ii) by redesignating paragraph (3) as paragraph (5); and

(iii) by inserting before paragraph (5), as so redesignated, the following:

''(1) IN GENERAL.—There are authorized to be appropriated to the Administration to carry out this section, to remain available until expended, $14,500,000 for each of fiscal years 2013, 2014, and 2015.

''(2) USE OF FUNDS.—Amounts made available under this subsection may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section.

''(3) CONTINUING GRANT AND COOPERATIVE AGREEMENT AUTHORITY.—

''(A) PROMPT DISBURSEMENT.—Upon receiving funds to carry out this section for a fiscal year, the Administrator shall, to the extent practicable, promptly reimburse funds to any women's business center awarded financial assistance under this section if the center meets the eligibility requirements under this section.

''(B) SUSPENSION OR TERMINATION.—If the Administrator has entered into a grant or cooperative agreement with a women's business center under this section, the Administrator may not suspend or terminate the grant or cooperative agreement, unless the Administrator—

''(i) provides the women's business center with written notification setting forth the reasons for that action; and

''(ii) affords the women's business center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.'';

(D) in subsection (m)—

(i) in paragraph (2), by striking ''subsection (b) or (l)'' and inserting ''this subsection or subsection (b)''; and

(ii) in paragraph (4)(D), by striking ''or subsection (l)''; and

(E) by redesignating subsections (m) and (n), as amended by this Act, as subsections (l) and (m), respectively.

(2) PROSPECTIVE REPEAL.—Section 1401(c)(2) of the Small Business Jobs Act of 2010 (15 U.S.C. 636 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:

''(C) by redesignating paragraph (6), as added by section 4(a)(3)(E) of the Women's Small Business Ownership Act of 2012, as paragraph (5).''.

(c) EFFECT ON EXISTING GRANTS.—

(1) TERMS AND CONDITIONS.—A nonprofit organization receiving a grant under section 29(m) of the Small Business Act (15 U.S.C. 656(m)), as in effect on the day before the date of enactment of this Act, shall continue to receive the grant under the terms and conditions in effect for the grant on the day before the date of enactment of this Act, except that the nonprofit organization may not apply for a renewal of the grant under section 29(m)(5) of the Small Business Act (15 U.S.C. 656(m)(5)), as in effect on the day before the date of enactment of this Act.

(2) LENGTH OF RENEWAL GRANT.—The Administrator may award a grant under section

29(l) of the Small Business Act, as so redesignated by subsection (b)(5) of this Act, to a nonprofit organization receiving a grant under section 29(m) of the Small Business Act (15 U.S.C. 656(m)), as in effect on the day before the date of enactment of this Act, for the period—

(A) beginning on the day after the last day of the grant agreement under such section 29(m); and

(B) ending at the end of the third fiscal year beginning after the date of enactment of this Act.

SEC. 5. STUDY AND REPORT ON ECONOMIC ISSUES FACING WOMEN'S BUSINESS CENTERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a broad study of the unique economic issues facing women's business centers located in covered areas to identify—

(1) the difficulties such centers face in raising non-Federal funds;

(2) the difficulties such centers face in competing for financial assistance, non-Federal funds, or other types of assistance;

(3) the difficulties such centers face in writing grant proposals; and

(4) other difficulties such centers face because of the economy in the type of covered area in which such centers are located.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study under subsection (a), which shall include recommendations, if any, regarding how to—

(1) address the unique difficulties women's business centers located in covered areas face because of the type of covered area in which such centers are located;

(2) expand the presence of, and increase the services provided by, women's business centers located in covered areas; and

(3) best use technology and other resources to better serve women business owners located in covered areas.

(c) DEFINITION OF COVERED AREA.—In this section, the term ''covered area'' means—

(1) any State that is predominantly rural, as determined by the Administrator;

(2) any State that is predominantly urban, as determined by the Administrator; and

(3) any State or territory that is an island.

SEC. 6. STUDY AND REPORT ON OVERSIGHT OF WOMEN'S BUSINESS CENTERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the oversight of women's business centers by the Administrator, which shall include—

(1) an analysis of the coordination by the Administrator of the activities of women's business centers with the activities of small business development centers, the Service Corps of Retired Executives, and Veteran Business Outreach Centers;

(2) a comparison of the types of individuals and small business concerns served by women's business centers and the types of individuals and small business concerns served by small business development centers, the Service Corps of Retired Executives, and Veteran Business Outreach Centers; and

(3) an analysis of performance data for women's business centers that evaluates how well women's business centers are carrying out the mission of women's business centers and serving individuals and small business concerns.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study under subsection (a), which shall include recommendations, if any, for eliminating the duplication of services provided by women's business centers, small business development centers, the Service Corps of Retired Executives, and Veteran Business Outreach Centers.

By Mr. REED (for himself and Mr. KYL):

S. 3201. A bill to reform graduate medical education payments, and for other purposes; to the Committee on Finance.

Mr. REED. Mr. President, today I introduce the Graduate Medical Education, GME, Reform Act, along with my colleague Senator KYL. This legislation is a continuation of my longstanding efforts to support our future health care workforce and improve patient care.

While there are a variety of initiatives to support the education and training of physicians, none are more substantial than the GME funding provided by Medicare. This program either directly or indirectly supports every single physician trained in this country. No other Federal or State program can claim this credit.

Unfortunately, the size of the program has led some to propose its funding be cut and redirected toward deficit reduction. The President's Fiscal Commission, the Domenici-Rivlin plan, and even some Members of Congress have made this recommendation. Reducing GME funding by the levels specified in these proposals could be devastating to training programs.

These proposals stem from an assertion by the congressionally authorized Medicare Payment Advisory Commission, MedPAC, that teaching hospitals are overpaid for the education and training they currently provide residents, and that GME funding should be better used to align residency training with key improvements in our health care delivery system. However, the Fiscal Commission and the Rivlin-Domenici plan ignored the latter aspect of MedPAC's recommendation. MedPAC did not recommend removing GME funding from the system. Instead, MedPAC suggested Congress should make teaching hospitals more accountable for the GME funding they currently receive. In MedPAC's proposal, all GME funding would stay in the system to help support and improve medical education and training.

The legislation we are introducing today aligns closely with MedPAC's proposal for greater accountability by teaching hospitals and enhanced effectiveness in the use of GME funding, but with some key changes. One such change would enable hospitals to compete for additional GME funding in order to provide a greater incentive for teaching hospitals to improve their programs.

Teaching hospitals incur higher costs than other hospitals. They invest in the newest technologies and employ the physician supervisors most qualified to train our future doctors. Moreover, as a result of the new health care reform law, many of these hospitals, physician supervisors, and residents will treat an influx of patients beginning in 2014. GME funding is critical to building and sustaining our health care infrastructure and future health care workforce.

It is critical that GME funding remain intact, but that doesn't mean we shouldn't use this opportunity to encourage these programs to do more to better train residents in: primary care delivery, a variety of settings and systems, care coordination, and how to work in inter-professional and multidisciplinary teams. The new oversight provided for in the GME Reform Act would help to break down the silos in medicine and ensure that physicians work together to provide patients with comprehensive health care.

In addition, the legislation would enhance GME payment transparency, which we hope will help prove to the skeptics that this funding serves a critical purpose.

I am particularly pleased that the Association of American Medical Colleges has expressed support for legislation. While the organization would prefer this legislation be included as part of an overall effort to increase the number of residents trained each year, which I also support, I believe we must begin a dialogue about a sensible and thoughtful approach to improving GME accountability and transparency. I hope my colleagues will take careful look at our legislation, and I look forward to working with them on this important issue.

Mr. KYL. Mr. President, the Federal Government now pays for more than half of all health care costs in this country, and that number is likely to grow with the rapidly aging U.S. population. Indeed, Medicare will face a nearly ⅓ enrollment increase in the coming decade. We have promised health care benefits to these seniors; to keep that promise, we must ensure there are enough physicians to treat them. Unfortunately, the medical workforce is shrinking: estimates show that we may experience a shortage of up to 159,000 physicians by 2025.

In light of these sobering statistics, the government has a strong interest in doing more to encourage the training of physicians who can deliver quality care to our Nation's seniors. Even if we continue funding medical education at current levels, we will soon face a severe crisis in access to medical care. Cutting this medical education funding would be counter-intuitive at best; dangerous at worst. In recent years, however, there have been several proposals to do just that.

It is true that there is a lack of transparency and accountability around this funding—mainly because we do not require hospitals to report on how money is spent, and because we have not set workforce goals for hospitals to meet. But that does not necessarily mean that the money is spent poorly, or that it is an area ripe for funding reductions.

Rather than simply slash funding, we should work to remedy this lack of

transparency and encourage hospitals to meet certain quality metrics. The Graduate Medical Education Reform Act offers one promising avenue to do so. Under this bill, if a teaching hospital produces quality residents as measured by certain consensus-based metrics, it can get up to a 3 percent increase in indirect medical education funding. Conversely, a hospital that fails to meet the metrics can be penalized by up to 3 percent.

This is one common-sense approach that maintains overall current funding levels while encouraging quality teaching programs. I urge my colleagues to join Senator REED and me in supporting this measure.

By Mrs. MURRAY (for herself, Mr. BURR, Mr. NELSON, of Florida, and Mr. RUBIO):

S. 3202. A bill to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, today, as Chairman of the Senate Committee on Veterans' Affairs, I am proud to introduce the Dignified Burial of Veterans Act of 2012 with Senator BURR, Ranking Member of the Committee on Veterans' Affairs, and my Senate colleagues from the state of Florida, Senators NELSON and RUBIO.

When America's heroes make a commitment to serve their country, we make a promise to care for them. One of the many ways in which we care for our veterans is by helping to provide them with a burial that honors their service.

That is why I was concerned when I learned that a veteran at a VA National Cemetery had an inappropriate burial. This veteran, with no known next-of-kin, was buried in a cardboard container that later disintegrated to the point where the veteran's remains were exposed and found during a raise and realign project at the cemetery. The veteran's remains were later placed in a bag and reburied with what was left of the cardboard box. This defies logic.

There is no reason why the remains of a veteran should ever be treated with this lack of dignity.

Yet, under current law, VA is not authorized to purchase a casket or urn for veterans who do not have a next-of-kin to provide one, or the resources to be buried in an appropriate manner.

We must take steps to prevent this from occurring again. That is why this bill would authorize VA to furnish a casket or urn to a deceased veteran when VA is unable to identify the veteran's next-of-kin and determines that sufficient resources are not otherwise available to furnish a casket or urn for burial in a national cemetery. This bill would further require that VA report back to Congress on the industry standard for urns and caskets and whether burials at VA's national cemeteries are meeting that standard.

I think we can all agree that every veteran deserves a dignified burial. Today, I am pleased to stand with my bipartisan colleagues to introduce a bill that would ensure that they receive one.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3202

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Dignified Burial of Veterans Act of 2012''.

SEC. 2. FURNISHING CASKETS AND URNS FOR DECEASED VETERANS WITH NO KNOWN NEXT OF KIN.

(a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) by inserting after subsection (e) the following new subsection (f):

''(f) The Secretary may furnish a casket or urn, of such quality as the Secretary considers appropriate for a dignified burial, for burial in a national cemetery of a deceased veteran in any case in which the Secretary—

''(1) is unable to identify the veteran's next of kin, if any; and

''(2) determines that sufficient resources for the furnishing of a casket or urn for the burial of the veteran in a national cemetery are not otherwise available.''; and

(3) in subsection (h), as redesignated by paragraph (1), by adding at the end the following new paragraph:

''(4) A casket or urn may not be furnished under subsection (f) for burial of a person described in section 2411(b) of this title.''.

(b) EFFECTIVE DATE.—Subsections (f) and (h)(4) of section 2306 of title 38, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply with respect to deaths occurring on or after such date.

SEC. 3. REPORT ON COMPLIANCE OF DEPARTMENT OF VETERANS AFFAIRS WITH INDUSTRY STANDARDS FOR CASKETS AND URNS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the compliance of the Department of Veterans Affairs with industry standards for caskets and urns.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of industry standards for caskets and urns.

(2) An assessment of compliance with such standards at National Cemeteries administered by the Department with respect to caskets and urns used for the interment of those eligible for burial at such cemeteries.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 466—CALLING FOR THE RELEASE FROM PRISON OF FORMER PRIME MINISTER OF UKRAINE YULIA TYMOSHENKO

Mr. INHOFE submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 466

Whereas Ukraine has experienced encouraging growth and reforms since it declared its independence from the former Soviet Union in 1991 and adopted its first constitution in 1996;

Whereas the 1996 constitution provided basic freedoms like the freedom of speech, assembly, religion, and press, but was ultimately too weak to contain the existing corruption-laced political culture inherited from its communist past;

Whereas, as a result of the electoral fraud by which Mr. Yanukovych was declared the winner, the citizens of the Ukraine organized a series of protests, strikes, and sit-ins, which came to be known as ''The Orange Revolution'';

Whereas the Orange Revolution, in concert with United States and international pressure, forced the Supreme Court of Ukraine to require an unprecedented second run-off election, which resulted in opposition leader Mr. Yushchenko defeating Mr. Yanukovych by a margin of 52 percent to 44 percent;

Whereas, in the 2010 presidential election, incumbent Yushchenko won only 5.5 percent in the first round of voting, which left former Prime Minister Yanukovych and then Prime Minister Yulia Tymoshenko to face one another in the run-off election;

Whereas, Mr. Yanukovych defeated Ms. Tymoshenko by a margin of 49 percent to 44 percent;

Whereas, shortly after the 2010 inauguration of Mr. Yanukovych, the Ukrainian Constitutional Court found most of the 2004 Orange Revolution inspired constitutional reforms unconstitutional;

Whereas, in 2010, President Yanukovych appointed Viktor Pshonka Prosecutor General, equivalent to the United States Attorney General;

Whereas, since Mr. Pshonka's appointment, more than a dozen political leaders associated with the 2004 Orange Revolution have faced criminal charges under the Abuse of Office and Exceeding Official Powers articles of the Ukrainian Criminal Code;

Whereas, in 2011, Prosecutor General Pshonka brought charges under these Abuse of Office articles against former Prime Minister Yulia Tymoshenko over her decision while in office to conclude a natural gas contract between Ukraine and Russia;

Whereas, on October 11, 2011, Tymoshenko was found guilty and sentenced to seven years in prison, fined $189,000,000, and banned from holding public office for three years;

Whereas, recognizing the judicial abuses present in Ukraine, the Parliamentary Assembly Council of Europe (PACE) passed Resolution 1862 on January 26, 2012;

Whereas Resolution 1862 declared that the Abuse of Office and Exceeding Official Powers articles under which Tymoshenko was convicted are ''overly broad in application and effectively allow for ex post facto criminalization of normal political decision making'';

Whereas, since Ms. Tymoshenko's imprisonment, the Prosecutor General's Office has reopened additional cases against her that were previously closed and thought to be sealed under a ten year statute of limitations;

Whereas, on October 28, 2011, the Ukrainian Deputy Prosecutor General alleged in a television interview that Ms. Tymoshenko was involved in contract killings, tax evasion, bribery, and embezzlement;

Whereas, at the time of the Deputy Prosecutor's public allegations, no formal charges were filed, thereby violating Ms. Tymoshenko's right to ''presumed innocence'' guaranteed by Article 6(2) of the European Convention on Human Rights;

Whereas, since August 5, 2011, Ms. Tymoshenko has languished in a prison cell in Ukraine with limited outside contact and access to needed medical treatment;

Whereas the denial of proper medical assistance has left Ms. Tymoshenko in a failing state of health;

Whereas international calls for Ms. Tymoshenko's release, access to outside visitors, and adequate medical treatment have been ignored even as her health continues to deteriorate;

Whereas, on April 28, 2012, major international news organizations, including the British Broadcast Corporation and Reuters, reported on and produced photos of bruises received by Ms. Tymoshenko during an apparent beating by prison guards on April 20, 2012;

Whereas, in response to her inhumane treatment, Ms. Tymoshenko began a hunger strike on April 20, 2012;

Whereas, amid international outrage, the European Union has delayed indefinitely the signing of a free trade agreement with Ukraine, and the member countries of the Organization for Security and Co-operation in Europe currently are deliberating whether to allow Ukraine to assume the chairmanship of the organization, which has been scheduled for 2013; and

Whereas, under international pressure, Ms. Tymoshenko was moved to a hospital in Kharkiv on May 9, 2012, prompting her to end her hunger strike: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the administration of President Viktor Yanukovych for the politically motivated imprisonment of former Prime Minister Yulia Tymoshenko;

(2) calls on the Yanukovych administration to release Ms. Tymoshenko immediately for medical reasons;

(3) urges the Organization for Security and Cooperation in Europe not to recognize Ukraine's scheduled 2013 chairmanship of the Organization until the release of Ms. Tymoshenko;

(4) urges the Department of State to withdraw the United States Ambassador to the Ukraine and suspend operations at the United States Embassy in Kiev until the release of Ms. Tymoshenko;

(5) calls on the Department of State to institute a visa ban against President Yanukovych, Prosecutor General Viktor Pshonka, and other officials responsible for Ms. Tymoshenko's imprisonment; and

(6) calls on the North Atlantic Treaty Organization to suspend all cooperative agreements with Ukraine and place Ukraine on indefinite probation with regard to its Distinctive Partnership with the Organization until the release of Ms. Tymoshenko.

SENATE RESOLUTION 467—DESIGNATING MAY 18, 2012, AS ''ENDANGERED SPECIES DAY''

Mr. WHITEHOUSE (for himself, Mr. AKAKA, Mr. BLUMENTHAL, Mr. CARDIN, Ms. COLLINS, Mrs. FEINSTEIN, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. MURRAY, Mr. REED of Rhode Island, Mr. SANDERS, Ms. SNOWE, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 467

Whereas nearly 2,000 species worldwide are listed as threatened or endangered, and many more face a heightened risk of extinction;

Whereas the actual and potential benefits that may be derived from many species have not yet been fully discovered and would be permanently lost if not for conservation efforts;

Whereas recovery efforts for species such as the bald eagle, the whooping crane, the gray whale, the American alligator, the peregrine falcon, the Louisiana black bear, and others have resulted in great improvements in the viability of those species;

Whereas saving a species requires a combination of sound research, careful coordination, and intensive management of conservation efforts, along with increased public awareness and education;

Whereas voluntary cooperative conservation programs have proven to be critical to habitat restoration and species recovery; and

Whereas education and increasing public awareness are the first steps in effectively informing the public about endangered species and species restoration efforts: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 18, 2012, as ''Endangered Species Day'';

(2) encourages schools to spend at least 30 minutes on Endangered Species Day teaching and informing students about—

(A) threats to endangered species around the world; and

(B) efforts to restore endangered species, including the essential role of private landowners and private stewardship in the protection and recovery of species;

(3) encourages organizations, businesses, private landowners, and agencies with a shared interest in conserving endangered species to collaborate in developing educational information for use in schools; and

(4) encourages the people of the United States—

(A) to become educated about, and aware of, threats to species, success stories in species recovery, and opportunities to promote species conservation worldwide; and

(B) to observe Endangered Species Day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2107. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table.

SA 2108. Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. MERKLEY, Mr. SANDERS, Mr. LEAHY, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2109. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2110. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2111. Mr. BINGAMAN (for himself, Mr. VITTER, Mr. FRANKEN, Mrs. SHAHEEN, Mr. KOHL, Mr. UDALL of New Mexico, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Mr. MERKLEY, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

SA 2112. Mr. REID (for Mrs. BOXER (for herself and Mrs. FEINSTEIN)) proposed an amendment to the bill H.R. 4849, to direct the Secretary of the Interior to issue commercial use authorizations to commercial stock operators for operations in designated wilderness within the Sequoia and Kings Canyon National Parks, and for other purposes.

TEXT OF AMENDMENTS

SA 2107. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11___. SAFE AND AFFORDABLE DRUGS FROM CANADA.

Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by this Act, is further amended by adding at the end the following:

''SEC. 810. IMPORTATION BY INDIVIDUALS OF PRESCRIPTION DRUGS FROM CANADA.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations permitting individuals to safely import into the United States a prescription drug (other than a controlled substance, as defined in section 102 of the Controlled Substances Act) that—

''(1) is purchased from an approved Canadian pharmacy;

''(2) is dispensed by a pharmacist licensed to practice pharmacy and dispense prescription drugs in Canada;

''(3) is purchased for personal use by the individual, not for resale, in quantities that do not exceed a 90-day supply;

''(4) is filled using a valid prescription issued by a physician licensed to practice in the United States; and

''(5) has the same active ingredient or ingredients, route of administration, dosage form, and strength as a prescription drug approved by the Secretary under chapter V.

''(b) APPROVED CANADIAN PHARMACY.—

''(1) IN GENERAL.—In this section, an approved Canadian pharmacy is a pharmacy that—

''(A) is located in Canada; and

''(B) that the Secretary certifies—

''(i) is licensed to operate and dispense prescription drugs to individuals in Canada; and

''(ii) meets the criteria under subsection (c).

''(2) PUBLICATION OF APPROVED CANADIAN PHARMACIES.—The Secretary shall publish on the Internet Web site of the Food and Drug Administration a list of approved Canadian pharmacies, including the Internet Web site address of each such approved Canadian pharmacy, from which individuals may purchase prescription drugs in accordance with subsection (a).

''(c) ADDITIONAL CRITERIA.—To be an approved Canadian pharmacy, the Secretary shall certify that the pharmacy—

''(1) has been in existence for a period of at least 5 years preceding the date of enactment of this section and has a purpose other than to participate in the program established under this section;

''(2) operates in accordance with pharmacy standards set forth by the provincial pharmacy rules and regulations enacted in Canada;

''(3) has processes established by the pharmacy, or participates in another established process, to certify that the physical premises

and data reporting procedures and licenses are in compliance with all applicable laws and regulations, and has implemented policies designed to monitor ongoing compliance with such laws and regulations;

''(4) conducts or commits to participate in ongoing and comprehensive quality assurance programs and implements such quality assurance measures, including blind testing, to ensure the veracity and reliability of the findings of the quality assurance program;

''(5) agrees that laboratories approved by the Secretary shall be used to conduct product testing to determine the safety and efficacy of sample pharmaceutical products;

''(6) has established, or will establish or participate in, a process for resolving grievances and will be held accountable for violations of established guidelines and rules;

''(7) does not resell products from online pharmacies located outside Canada to customers in the United States; and

''(8) meets any other criteria established by the Secretary.''.

SA 2108. Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. MERKLEY, Mr. SANDERS, Mr. LEAHY, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11___. ANALYSES OF APPLICATION FOR APPROVAL OF GENETICALLY-ENGINEERED FISH.

Notwithstanding any other provision of law, approval by the Secretary of Health and Human Services of an application submitted under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) for approval of any genetically modified marine or anadromous organism shall not take effect until the date that the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, approves such application using standards applied by the Under Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), which shall include a Regulatory Impact Review required by Executive Order 12866 (58 Fed. Reg. 51735) and Initial Regulatory Flexibility Analyses required under chapter 6 of title 5, United States Code (commonly referred to as the ''Regulatory Flexibility Act'').

SA 2109. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11___. CONDITIONS ON AWARD OF DRUG EXCLUSIVITY.

Subchapter E of chapter V (21 U.S.C. 360bbb et seq.) is amended by inserting after section 569C, as added by this Act, the following:

''SEC. 569D. CONDITIONS ON AWARD OF DRUG EXCLUSIVITY.

''(a) TERMINATION OF EXCLUSIVITY.—Notwithstanding any other provision of this Act, any period of exclusivity described in subsection (b) granted to a person or assigned to a person on or after the date of enactment of this section with respect to a drug shall be terminated if the person to which such exclusivity was granted or any person to which such exclusivity is assigned—

''(1) commits a violation described in subsection (c)(1) with respect to such drug; or

''(2) fails to report such a violation as required by subsection (e).

''(b) EXCLUSIVITIES AFFECTED.—The periods of exclusivity described in this subsection are those periods of exclusivity granted under any of the following sections:

''(1) Clause (ii), (iii), or (iv) of section 505(c)(3)(E).

''(2) Clause (iv) of section 505(j)(5)(B).

''(3) Clause (ii), (iii), or (iv) of section 505(j)(5)(F).

''(4) Section 505A.

''(5) Section 505E.

''(6) Section 527.

''(7) Section 351(k)(7) of the Public Health Service Act.

''(8) Any other provision of this Act that provides for market exclusivity (or extension of market exclusivity) with respect to a drug.

''(c) VIOLATIONS.—

''(1) IN GENERAL.—A violation described in this subsection is a violation of a law described in paragraph (2) that results in—

''(A) a criminal conviction of a person described in subsection (a);

''(B) a civil judgment against a person described in subsection (a); or

''(C) a settlement agreement in which a person described in subsection (a) admits to fault.

''(2) LAWS DESCRIBED.—The laws described in this paragraph are the following:

''(A) The provisions of this Act that prohibit—

''(i) the adulteration or misbranding of a drug;

''(ii) the making of false statements to the Secretary or committing fraud; or

''(iii) the illegal marketing of a drug.

''(B) The provisions of subchapter III of chapter 37 of title 31, United States Code (commonly known as the 'False Claims Act').

''(C) Section 287 of title 18, United States Code.

''(D) The Medicare and Medicaid Patient Protection and Program Act of 1987 (commonly known as the 'Antikickback Statute').

''(E) Section 1927 of the Social Security Act.

''(F) A State law against fraud comparable to a law described in subparagraphs (A) through (E).

''(d) DATE OF EXCLUSIVITY TERMINATION.—The date on which the exclusivity shall be terminated as described in subsection (a) is the date on which, as applicable—

''(1) a final judgment is entered relating to a violation described in subparagraph (A) or (B) of subsection (c)(1); or

''(2)(A) a settlement agreement described in subsection (c)(1)(C) is approved by a court order that is or becomes final and nonappealable; or

''(B) if there is no court order approving a settlement agreement described in subsection (c)(1)(C), a court order dismissing the applicable case, issued after the settlement agreement, is or becomes final and nonappealable.

''(e) REPORTING OF INFORMATION.—A person described in subsection (a) that commits a violation described in subsection (c)(1) shall report such violation to the Secretary no later than 30 days after the date that—

''(1) a final judgment is entered relating to a violation described in subparagraph (A) or (B) of subsection (c)(1); or

''(2)(A) a settlement agreement described in subsection (c)(1)(C) is approved by a court order that is or becomes final and nonappealable; or

''(B) if there is no court order approving a settlement agreement described in subsection (c)(1)(C), a court order dismissing the applicable case, issued after the settlement agreement, is or becomes final and nonappealable.''.

SA 2110. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 11___. TRANSPARENCY IN NEW DRUG APPLICATIONS.

(a) GENERAL REQUIREMENTS.—Subchapter A of chapter V (21 U.S.C. 351 et seq.), as amended by section 802, is further amended by adding at the end the following:

''SEC. 524B. TRANSPARENCY IN DRUG APPLICATIONS TO THE FDA.

''(a) INITIAL DISCLOSURE OF FINANCIAL INFORMATION.—

''(1) IN GENERAL.—A drug application submitted under subsection (b) or (j) of section 505, an application for a biologics license under subsection (a) or (k) of section 351 of the Public Health Service Act, an investigational new drug application under section 505(i), an application for an extension of market exclusivity following the completion of pediatric studies under section 505A(c), an application for a priority review voucher under section 524, a request for a designation as an orphan drug under section 526, and any other application to the Food and Drug Administration with respect to approval of a drug or an extension of the market exclusivity of a drug shall include a disclosure to the Secretary of such financial information associated with the research and development of the drug as required by the Secretary, as described in paragraph (2). The Secretary shall make such information public.

''(2) REQUIRED INFORMATION.—The financial information provided to the Secretary and made public under paragraph (1) shall include—

''(A) the total amount expended for preclinical research and for each phase of clinical trials of the drug;

''(B) a description of any grant or other economic incentive for research and development of such drug the sponsor receives from private, public, or any other funding source or research institution, including the National Institutes of Health, and the amount obtained from each source; and

''(C) such other information, as the Secretary may require.

''(3) RESEARCH AND DEVELOPMENT DEFINED.—For purposes of this section, 'research and development' of a drug shall include identification of chemical compounds, proof of concepts, testing of concepts, and all phases of clinical trials, including failed tests or trials. Research and development of a particular drug does not include the costs of failed drugs other than the drug that is the subject of the application described in paragraph (1).

''(b) SUBSEQUENT FINANCIAL DISCLOSURES.—A sponsor of a drug approved under subsection (b) or (j) of section 505, or a biological product approved under subsection (a) or

(k) of section 351 of the Public Health Service Act, on an annual basis during the period during which the sponsor claims market exclusivity with respect to the drug and for 7 years thereafter, shall report to the Secretary the quarterly domestic and global unit sales and sales revenue of the drug.

''(c) PUBLIC DISCLOSURE OF CLINICAL TRIALS.—

''(1) IN GENERAL.—The Secretary shall require the sponsor of a drug to register each clinical trial of such drug on the Internet web site of the National Institutes of Health, clinicaltrials.gov (or such successor Internet website developed by the Secretary).

''(2) TDP.—In the case of a sponsor that claims test data protection, the sponsor shall register the required information of the related drug with a clinicaltrials.gov identifier supplied by the Secretary.

''(d) DISCLOSURE OF NUMBERS OF INDIVIDUALS PARTICIPATING IN CLINICAL TRIALS.—A manufacturer or sponsor who submits a request under paragraph (1) shall also submit to the Secretary the following information with respect to clinical trials of the drug, which the Secretary shall make public:

''(1) The numbers of individuals participating in each phase of clinical trials, using de-identified data.

''(2) A description of each participant's dosage of the drug, using de-identified data.

''(3) A description of each participant's results, using de-identified data.''.

(b) DISCLOSURE OF SAFETY AND EFFECTIVENESS DATA.—Section 505(l)(1) (21 U.S.C. 355(l)(1)) is amended, in the matter preceding subparagraph (A), by striking '', unless extraordinary circumstances are shown''.

SA 2111. Mr. BINGAMAN (for himself, Mr. VITTER, Mr. FRANKEN, Mrs. SHAHEEN, Mr. KOHL, Mr. UDALL of New Mexico, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Mr. MERKLEY, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

In title IX, add at the end the following:

SEC. 9___. ENSURING THAT VALID GENERIC DRUGS MAY ENTER THE MARKET.

(a) 180-DAY EXCLUSIVITY PERIOD AMENDMENTS REGARDING FIRST APPLICANT STATUS.—

(1) AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(A) IN GENERAL.—Section 505(j)(5)(B) (21 U.S.C. 355(j)(5)(B)) is amended—

(i) in clause (iv)(II)—

(I) by striking item (bb); and

(II) by redesignating items (cc) and (dd) as items (bb) and (cc), respectively; and

(ii) by adding at the end the following:

''(v) FIRST APPLICANT DEFINED.—As used in this subsection, the term 'first applicant' means an applicant—

''(I)(aa) that, on the first day on which a substantially complete application containing a certification described in paragraph (2)(A)(vii)(IV) is submitted for approval of a drug, submits a substantially complete application that contains and lawfully maintains a certification described in paragraph (2)(A)(vii)(IV) for the drug; and

''(bb) that has not entered into a disqualifying agreement described under clause (vii)(II); or

''(II)(aa) for the drug that is not described in subclause (I) and that, with respect to the applicant and drug, each requirement described in clause (vi) is satisfied; and

''(bb) that has not entered into a disqualifying agreement described under clause (vii)(II).

''(vi) REQUIREMENT.—The requirements described in this clause are the following:

''(I) The applicant described in clause (v)(II) submitted and lawfully maintains a certification described in paragraph (2)(A)(vii)(IV) or a statement described in paragraph (2)(A)(viii) for each unexpired patent for which a first applicant described in clause (v)(I) had submitted a certification described in paragraph (2)(A)(vii)(IV) on the first day on which a substantially complete application containing such a certification was submitted.

''(II) With regard to each such unexpired patent for which the applicant described in clause (v)(II) submitted a certification described in paragraph (2)(A)(vii)(IV), no action for patent infringement was brought against such applicant within the 45 day period specified in paragraph (5)(B)(iii); or if an action was brought within such time period, such an action was withdrawn or dismissed by a court (including a district court) without a decision that the patent was valid and infringed; or if an action was brought within such time period and was not withdrawn or so dismissed, such applicant has obtained the decision of a court (including a district court) that the patent is invalid or not infringed (including any substantive determination that there is no cause of action for patent infringement or invalidity, and including a settlement order or consent decree signed and entered by the court stating that the patent is invalid or not infringed).

''(III) If an applicant described in clause (v)(I) has begun commercial marketing of such drug, the applicant described in clause (v)(II) does not begin commercial marketing of such drug until the date that is 30 days after the date on which the applicant described in clause (v)(I) began such commercial marketing.''.

(B) CONFORMING AMENDMENT.—Section 505(j)(5)(D)(i)(IV) (21 U.S.C. 355(j)(5)(D)(i)(IV)) is amended by striking ''The first applicant'' and inserting ''The first applicant, as defined in subparagraph (B)(v)(I),''.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply only with respect to an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) to which the amendments made by section 1102(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108 173) apply.

(b) 180-DAY EXCLUSIVITY PERIOD AMENDMENTS REGARDING AGREEMENTS TO DEFER COMMERCIAL MARKETING.—

(1) AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(A) LIMITATIONS ON AGREEMENTS TO DEFER COMMERCIAL MARKETING DATE.—Section 505(j)(5)(B) (21 U.S.C. 355(j)(5)(B)), as amended by subsection (a), is further amended by adding at the end the following:

''(vii) AGREEMENT BY FIRST APPLICANT TO DEFER COMMERCIAL MARKETING; LIMITATION ON ACCELERATION OF DEFERRED COMMERCIAL MARKETING DATE.—

''(I) AGREEMENT TO DEFER APPROVAL OR COMMERCIAL MARKETING DATE.—An agreement described in this subclause is an agreement between a first applicant and the holder of the application for the listed drug or an owner of one or more of the patents as to which any applicant submitted a certification qualifying such applicant for the 180-day exclusivity period whereby that applicant agrees, directly or indirectly, (aa) not to seek an approval of its application that is made effective on the earliest possible date under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, (bb) not to begin the commercial marketing of its drug on the earliest possible date after receiving an approval of its application that is made effective under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, or (cc) to both items (aa) and (bb).

''(II) AGREEMENT THAT DISQUALIFIES APPLICANT FROM FIRST APPLICANT STATUS.—An agreement described in this subclause is an agreement between an applicant and the holder of the application for the listed drug or an owner of one or more of the patents as to which any applicant submitted a certification qualifying such applicant for the 180-day exclusivity period whereby that applicant agrees, directly or indirectly, not to seek an approval of its application or not to begin the commercial marketing of its drug until a date that is after the expiration of the 180-day exclusivity period awarded to another applicant with respect to such drug (without regard to whether such 180-day exclusivity period is awarded before or after the date of the agreement).

''(viii) LIMITATION ON ACCELERATION.—If an agreement described in clause (vii)(I) includes more than 1 possible date when an applicant may seek an approval of its application or begin the commercial marketing of its drug—

''(I) the applicant may seek an approval of its application or begin such commercial marketing on the date that is the earlier of—

''(aa) the latest date set forth in the agreement on which that applicant can receive an approval that is made effective under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, or begin the commercial marketing of such drug, without regard to any other provision of such agreement pursuant to which the commercial marketing could begin on an earlier date; or

''(bb) 180 days after another first applicant begins commercial marketing of such drug; and

''(II) the latest date set forth in the agreement on which that applicant can receive an approval that is made effective under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, or begin the commercial marketing of such drug, without regard to any other provision of such agreement pursuant to which commercial marketing could begin on an earlier date, shall be the date used to determine whether an applicant is disqualified from first applicant status pursuant to clause (vii)(II).''.

(B) NOTIFICATION OF FDA.—Section 505(j) (21 U.S.C. 355(j)) is amended by adding at the end the following:

''(11)(A) The holder of an abbreviated application under this subsection shall submit to the Secretary a notification that includes—

''(i)(I) the text of any agreement entered into by such holder described under paragraph (5)(B)(vii)(I); or

''(II) if such an agreement has not been reduced to text, a written detailed description of such agreement that is sufficient to disclose all the terms and conditions of the agreement; and

''(ii) the text, or a written detailed description in the event of an agreement that has not been reduced to text, of any other agreements that are contingent upon, provide a contingent condition for, or are otherwise related to an agreement described in clause (i).

''(B) The notification described under subparagraph (A) shall be submitted not later than 10 business days after execution of the agreement described in subparagraph (A)(i). Such notification is in addition to any notification required under section 1112 of the

Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

''(C) Any information or documentary material filed with the Secretary pursuant to this paragraph shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Nothing in this paragraph is intended to prevent disclosure to either body of the Congress or to any duly authorized committee or subcommittee of the Congress.''.

(C) PROHIBITED ACTS.—Section 301(e) (21 U.S.C. 331(e)) is amended by striking ''505 (i) or (k)'' and inserting ''505 (i), (j)(11), or (k)''.

(2) INFRINGEMENT OF PATENT.—Section 271(e) of title 35, United States Code, is amended by adding at the end the following:

''(7) The exclusive remedy under this section for an infringement of a patent for which the Secretary of Health and Human Services has published information pursuant to subsection (b)(1) or (c)(2) of section 505 of the Federal Food, Drug, and Cosmetic Act shall be an action brought under this subsection within the 45-day period described in subsection (j)(5)(B)(iii) or (c)(3)(C) of section 505 of the Federal Food, Drug, and Cosmetic Act.''.

(3) APPLICABILITY.—

(A) LIMITATIONS ON ACCELERATION OF DEFERRED COMMERCIAL MARKETING DATE.—The amendment made by paragraph (1)(A) shall apply only with respect to—

(i) an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) to which the amendments made by section 1102(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108 173) apply; and

(ii) an agreement described under section 505(j)(5)(B)(vii)(I) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)(1)) executed after the date of enactment of this Act.

(B) NOTIFICATION OF FDA.—The amendments made by subparagraphs (B) and (C) of paragraph (1) shall apply only with respect to an agreement described under section 505(j)(5)(B)(vii)(I) of the Federal Food, Drug, and Cosmetic Act (as added by paragraph (1)(A)) executed after the date of enactment of this Act.

(c) TECHNICAL AMENDMENT.—Section 744B(n), as added by section 302 of this Act, is amended by striking ''505(j)(5)(B)(iv)(II)(cc)'' and inserting ''505(j)(5)(B)(iv)(II)(bb)''.

SA 2112. Mr. REID (for Mrs. BOXER (for herself and Mrs. FEINSTEIN)) proposed an amendment to the bill H.R. 4849, to direct the Secretary of the Interior to issue commercial use authorizations to commercial stock operators for operations in designated wilderness within the Sequoia and Kings Canyon National Parks, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sequoia and King Canyon National Parks Backcountry Access Act''.

SEC. 2. COMMERCIAL SERVICES AUTHORIZATIONS IN WILDERNESS WITHIN THE SEQUOIA AND KINGS CANYON NATIONAL PARKS.

(a) CONTINUATION OF AUTHORITY.—Until the date on which the Secretary of the Interior (referred to in this Act as the ''Secretary'') completes any analysis and determination required under the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary shall continue to issue authorizations to provide commercial services for commercial stock operations (including commercial use authorizations and concession contracts) within any area designated as wilderness in the Sequoia and Kings Canyon National Parks (referred to in this section as the ''Parks)'' at use levels determined by the Secretary to be appropriate and subject to any terms and conditions that the Secretary determines to be appropriate.

(b) WILDERNESS STEWARDSHIP PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary shall complete a wilderness stewardship plan with respect to the Parks.

(c) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue authorizations under subsection (a) shall terminate on the earlier of—

(1) the date on which the Secretary begins to issue authorizations to provide commercial services for commercial stock operations within any areas designated as wilderness in the Parks, as provided in a record of decision issued in accordance with a wilderness stewardship plan completed under subsection (b); or

(2) the date that is 4 years after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 17, 2012, at 9:30 a.m., in room SD 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 17, 2012, at 10 a.m., in room SD 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Social Security Administration: Is it Meeting its Responsibilities to Save Taxpayer Dollars and Serve the Public?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 17, 2012, at 2:30 p.m.,

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on May 17, 2012, in room SD 628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled ''Fulfilling the Federal Trust Responsibility: The Foundation of the Government-to-Government Relationship.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 17, 2012, at 10 a.m., in SD 226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND THE COAST GUARD

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on May 17, 2012, at 10:30 a.m., in room SR 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Stemming the Tide: The U.S. Response to Tsunami Generated Marine Debris.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Marc Labonte, a detailee on Senator JOHNSON's Banking Committee staff, be granted floor privileges for the remainder of today's session.

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

TROOPER JOSHUA D. MILLER POST OFFICE BUILDING

MASTER SERGEANT DANIEL L. FEDDER POST OFFICE

PRIVATE ISAAC T. CORTES POST OFFICE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following postal naming bills en bloc: Calendar No. 401, H.R. 2415; Calendar No. 402, H.R. 3220; and Calendar No. 403, H.R. 3413.

The PRESIDING OFFICER. The clerk will report the bills by title en bloc.

The legislative clerk read as follows:

A 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.''

A 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.''

A bill (H.R. 3413) 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.''

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 2415, H.R. 3220, and H.R. 3413) were ordered to a third reading, were read the third time, and passed.

MODIFYING THE DEPARTMENT OF DEFENSE PROGRAM GUIDANCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4045.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4045) to modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, that there be no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4045) was ordered to a third reading, was read the third time, and passed.

BORDER TUNNEL PREVENTION ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 4119.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4119) to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no interviewing action or debate; that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4119) was ordered to a third reading, was read the third time, and passed.

SEQUOIA AND KINGS CANYON NATIONAL PARKS BACKCOUNTRY ACCESS ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 394, H.R. 4849.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4849) to direct the Secretary of the Interior to issue commercial use authorizations to commercial stock operators for operations in designated wilderness within the Sequoia and Kings Canyon National Parks, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that a Boxer-Feinstein substitute amendment, which is as the desk, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; that any statements related to the bill be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2112) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sequoia and King Canyon National Parks Backcountry Access Act''.

SEC. 2. COMMERCIAL SERVICES AUTHORIZATIONS IN WILDERNESS WITHIN THE SEQUOIA AND KINGS CANYON NATIONAL PARKS.

(a) CONTINUATION OF AUTHORITY.—Until the date on which the Secretary of the Interior (referred to in this Act as the ''Secretary'') completes any analysis and determination required under the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary shall continue to issue authorizations to provide commercial services for commercial stock operations (including commercial use authorizations and concession contracts) within any area designated as wilderness in the Sequoia and Kings Canyon National Parks (referred to in this section as the ''Parks)'' at use levels determined by the Secretary to be appropriate and subject to any terms and conditions that the Secretary determines to be appropriate.

(b) WILDERNESS STEWARDSHIP PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary shall complete a wilderness stewardship plan with respect to the Parks.

(c) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue authorizations under subsection (a) shall terminate on the earlier of—

(1) the date on which the Secretary begins to issue authorizations to provide commercial services for commercial stock operations within any areas designated as wilderness in the Parks, as provided in a record of decision issued in accordance with a wilderness stewardship plan completed under subsection (b); or

(2) the date that is 4 years after the date of enactment of this Act.

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

The bill (H.R. 4849), as amended, was read the third time and passed.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 112 5, TREATY DOCUMENT NO. 112 6, TREATY DOCUMENT NO. 112 7, AND TREATY DOCUMENT NO. 112 8

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on May 17, 2012, by the President of the United States:

Protocol Amending the Convention on Mutual Administrative Assistance in Tax Matters (Treaty Document No. 112 5).

Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary (Treaty Document No. 112 6).

Convention on the Rights of Persons with Disabilities (Treaty Document No. 112 7).

Tax Convention with Chile (Treaty Document No. 112 8).

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to its ratification, the Protocol Amending the Convention on Mutual Administrative Assistance in Tax Matters, done at Paris on May 27, 2010 (the ''proposed Protocol''), which was signed by the United States on May 27, 2010. The existing Convention on Mutual Administrative Assistance in Tax Matters, done at Strasbourg on January 25, 1988, entered into force for the United States on January 4, 1995 (the ''existing Convention''). I also transmit, for the information of the Senate, the report of the Department of State, which includes an Overview of the proposed Protocol.

The proposed Protocol amends the existing Convention in order to bring it into conformity with current international standards on exchange of information, as reflected in the Organization for Economic Co-operation and Development's (OECD) Model Tax Convention on Income and Capital and the current U.S. Model Income Tax Convention. Furthermore, it updates the existing Convention's rules regarding the confidentiality and permitted uses of exchanged tax information, and opens the existing Convention to adherence by countries other than OECD and Council of Europe members. The Protocol entered into force on January 6, 2011, following ratification by five parties to the existing Convention.

I recommend that the Senate give early and favorable consideration to

the proposed Protocol and give its advice and consent to its ratification.

BARACK OBAMA.
THE WHITE HOUSE, *May 17, 2012.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary (the ''Convention''), done at The Hague on July 5, 2006, and signed by the United States on that same day. The report of the Secretary of State, which includes an Overview of the proposed Convention, is enclosed for the information of the Senate.

The United States supported the development of the Convention, which provides uniform rules for determining the law applicable to certain rights in commercial transactions involving investment securities held through intermediaries (such as brokers, banks, and other financial institutions). The Convention incorporates modern commercial finance methods already market-tested in the United States through the Uniform Commercial Code. It would ensure that countries that become party to this Convention would also apply those methods. The Convention, once in force, would improve the functioning of investment securities markets, reduce uncertainty in cross-border commerce, and reduce national and cross-border systemic risk.

The Department of the Treasury, the U.S. Securities and Exchange Commission, the Commodities Futures Trading Commission, and the New York Federal Reserve Bank support ratification by the United States of this Convention, as do key private sector associations. I recommend, therefore, that the Senate give early and favorable consideration to the Convention and give its advice and consent to its ratification.

BARACK OBAMA.
THE WHITE HOUSE, *May 17, 2012.*

To the Senate of the United States:

I transmit herewith, for advice and consent of the Senate to its ratification, the Convention on the Rights of Persons with Disabilities, adopted by the United Nations General Assembly on December 13, 2006, and signed by the United States of America on June 30, 2009 (the ''Convention''). I also transmit, for the information of the Senate, the report of the Secretary of State with respect to the Convention.

Anchored in the principles of equality of opportunity, nondiscrimination, respect for dignity and individual autonomy, and inclusion of persons with disabilities, the Convention seeks to promote, protect, and ensure the full and equal enjoyment of all human rights by persons with disabilities. While Americans with disabilities already enjoy these rights at home, U.S. citizens and other individuals with disabilities frequently face barriers when they travel, work, serve, study, and reside in other countries. The rights of Americans with disabilities should not end at our Nation's shores. Ratification of the Disabilities Convention by the United States would position the United States to occupy the global leadership role to which our domestic record already attests. We would thus seek to use the Convention as a tool through which to enhance the rights of Americans with disabilities, including our veterans. Becoming a State Party to the Convention and mobilizing greater international compliance could also level the playing field for American businesses, who already must comply with U.S. disability laws, as well as those whose products and services might find new markets in countries whose disability standards move closer to those of the United States.

Protection of the rights of persons with disabilities has historically been grounded in bipartisan support in the United States, and the principles anchoring the Convention find clear expression in our own domestic law. As described more fully in the accompanying report, the strong guarantees of nondiscrimination and equality of access and opportunity for persons with disabilities in existing U.S. law are consistent with and sufficient to implement the requirements of the Convention as it would be ratified by the United States.

I recommend that the Senate give prompt and favorable consideration to this Convention and give its advice and consent to its ratification, subject to the reservations, understandings, and declaration set forth in the accompanying report.

BARACK OBAMA.
THE WHITE HOUSE, *May 17, 2012.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to their ratification, the Convention between the Government of the United States of America and the Government of the Republic of Chile for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed in Washington on February 4, 2010, with a Protocol signed the same day, as corrected by exchanges of notes effected February 25, 2011, and February 10 and 21, 2012, and a related agreement effected by exchange of notes (the ''related Agreement'') on February 4, 2010. I also transmit for the information of the Senate the report of the Department of State, which includes an Overview of the proposed Convention, the Protocol, and related Agreement.

The proposed Convention, Protocol, and related Agreement (together ''proposed Treaty'') would be the first bilateral income tax treaty between the United States and Chile. The proposed Treaty contains comprehensive provisions designed to address ''treaty shopping,'' which is the inappropriate use of a tax treaty by residents of a third country, and provides for a robust exchange of information between the tax authorities in the two countries to facilitate the administration of each country's tax laws.

I recommend that the Senate give early and favorable consideration to the proposed Treaty and give its advice and consent to the ratification thereof.

BARACK OBAMA.
THE WHITE HOUSE, *May 17, 2012.*

ORDERS FOR MONDAY MAY 21, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, May 21, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the majority leader be recognized; further, that at 4:30 p.m. the Senate proceed to executive session to consider Calendar No. 552, Paul J. Watford, of California, to be U.S. Circuit Judge for the Ninth Circuit, with 1 hour of debate equally divided and controlled in the usual form; that upon the use or yielding back of the time, the Senate proceed to vote on the motion to invoke cloture on the nomination; and that if cloture is not invoked, the Senate resume legislative session and proceed to vote on the motion to invoke cloture on the motion to proceed to S. 3187, the FDA user fees legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, it is my intention to resume the motion to proceed to Calendar No. 400, S. 3187, the FDA user fees legislation, when we convene on Monday. At 5:30 p.m. Monday there will be at least one rollcall vote on the motion to invoke cloture on the Watford nomination.

ADJOURNMENT UNTIL MONDAY, MAY 21, 2012, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 4:47 p.m., adjourned until Monday, May 21, 2012, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

DEREK J. MITCHELL, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNION OF BURMA.

THE JUDICIARY

MATTHEW W. BRANN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, VICE THOMAS I. VANASKIE, ELEVATED.

MALACHY EDWARD MANNION, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE

DISTRICT OF PENNSYLVANIA, VICE A. RICHARD CAPUTO, RETIRED.

DEPARTMENT OF JUSTICE

GARY BLANKINSHIP, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE RUBEN MONZON, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY MEDICAL CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major general

BRIG. GEN. JOSEPH CARAVALHO, JR.

IN THE NAVY

THE FOLLOWING NAMED UNITED STATES NAVY RESERVE OFFICER FOR APPOINTMENT AS THE CHIEF OF NAVY RESERVE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5143:

To be vice admiral

REAR ADM. ROBIN R. BRAUN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ROBERT E. BRADSHAW

CONFIRMATIONS

Executive nominations confirmed by the Senate May 17, 2012:

FEDERAL RESERVE SYSTEM

JEREMY C. STEIN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2004.

JEROME H. POWELL, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2000.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on May 17, 2012 withdrawing from further Senate consideration the following nomination:

AIR FORCE NOMINATION OF KEN R. MCDANIEL, TO BE COLONEL, WHICH WAS SENT TO THE SENATE ON MAY 4, 2011.

EXTENSIONS OF REMARKS

IN RECOGNITION OF NORWEGIAN CONSTITUTION DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Ohio Norsemen as they celebrate Syttende Mai in recognition of Norwegian Constitution Day.

Every year May 17th, or Syttende Mai, is observed by people throughout the world in recognition of the National Day of Norway. This date marks the anniversary of the 1814 signing of Norway's Constitution which declared the nation's legal independence and established a government dedicated to the freedom and equality of the Norwegian people. The document was inspired by and embodied the ideas of other early independence movements, marking a major victory for democracy in early 19th century Europe.

The holiday is celebrated with a prominent display of the nation's flag as well as a focus on parades featuring the children of the community. Processions are traditionally led by marching bands with some participants dressed in traditional Norwegian attire and often include speeches by young and old alike.

The Ohio Norsemen continue the tradition of celebrating their proud Norwegian ancestry by holding celebrations, parades, and potlucks replete with the foods of Norway. The celebrations held by the Ohio Norsemen are in line with a long held American tradition of honoring one's cultural ancestry while highlighting the shared democratic values embodied by the constitutions of these two nations.

Mr. Speaker and colleagues, please join me in recognizing the Ohio Norsemen as they celebrate and share the culture and heritage of all our citizens of Norwegian descent.

SEQUESTER REPLACEMENT RECONCILIATION ACT OF 2012

SPEECH OF

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 2012

Mr. RYAN of Wisconson. Mr. Speaker, on behalf of myself and Chairmen LUNGREN and ISSA, I would like to submit the following letters regarding H.R. 5652, the Sequester Replacement Reconciliation Act of 2012.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, May 8, 2012.

Hon. DARRELL ISSA,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

Hon. PAUL RYAN,
Chairman, Committee on the Budget, Washington, DC.

DEAR CHAIRMEN ISSA AND RYAN: I am writing to you concerning the jurisdictional interest of the Committee on House Administration on the Committee on Oversight and Government Reform's April 26, 2012, amendments to title 5, United States Code, to comply with the reconciliation directive included in section 201 of the Concurrent Resolution on the Budget for Fiscal Year 2013, H. Con. Res. 112. These amendments to title 5 contain provisions that fall within the jurisdictional of the Committee on House Administration.

I recognize the dictates of the budget reconciliation process require these amendments be brought before the House of Representatives in an expeditious manner, and accordingly, I waive the Committee's consideration of the amendments to title 5, United States Code. However, agreeing to waive jurisdiction over these amendments should not be construed as waiving, reducing, or affecting the jurisdiction of the Committee on House Administration.

I ask that a copy of your letters of May 3, 2012 and this response be included in the Committee on Oversight and Government Reform's transmittals to the Committee on Budget and also be placed in the Congressional Record during any floor consideration of these amendments.

I look forward to working with you on matters of mutual concern.

Sincerely,

DANIEL E. LUNGREN,
Chairman, Committee on House Administration.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, May 3, 2012.

Hon. DANIEL E. LUNGREN,
Chairman, Committee on House Administration, Washington, DC.

DEAR CHAIRMAN LUNGREN: I write to you concerning your Committee's jurisdictional interest in the Committee on Oversight and Government Reform's April 26, 2012, amendments to title 5, United States Code, to comply with the reconciliation directive included in section 201 of the Concurrent Resolution on the Budget for Fiscal Year 2013, H. Con. Res. 112.

I appreciate your willingness to support expediting the budget reconciliation process. I acknowledge that the amendments contain provisions under the jurisdiction of the Committee on House Administration, and agree that your willingness to waive further consideration of these amendments is without prejudice to your Committee's jurisdictional interest in this or similar legislation in the future.

I will include a copy of this letter and any response in Oversight and Government Reform's transmittals to the Committee on Budget and request this letter and any response be placed in the Congressional Record during floor consideration of these amendments. Thank you for your cooperation as we work towards the resolution of the budget reconciliation process.

Sincerely,

DARRELL ISSA,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, May 10, 2012.

Hon. DANIEL E. LUNGREN,
Chairman, Committee on House Administration, Washington, DC.

DEAR MR. CHAIRMAN: I write to you regarding your Committee's jurisdictional interest in H.R. 4966, the Sequester Replacement Act of 2012. The bill, as reported from the Committee on the Budget on May 7, 2012, contains provisions that fall within the jurisdiction of the Committee on House Administration.

I appreciate your willingness to support expediting floor consideration of this important legislation. I acknowledge that H.R. 4966 contains provisions under the jurisdiction of the Committee on House Administration, and understand and agree that your willingness to waive further consideration of the bill is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support a request from your Committee for an appropriate number of conferees.

I will include a copy of this letter and your letter of May 8, 2012, which discussed this matter, in the Congressional Record during any floor consideration of H.R. 4966. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

PAUL RYAN,
Chairman, Committee on the Budget.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, May 8, 2012.

Hon. PAUL RYAN,
Chairman, Committee on the Budget, Washington, DC.

DEAR CHAIRMAN RYAN: I write to you concerning the jurisdictional interest of the Committee on House Administration in H.R. 4966, the Sequester Replacement Act of 2012. The bill, as reported from the Committee on the Budget on May 7, 2012, contains provisions that fall within the jurisdiction of the Committee on House Administration.

I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, I will waive Committee consideration of provisions that fall within the Committee's jurisdiction. However, agreeing to waive jurisdiction over these amendments should not be construed as waiving, reducing, or affecting the jurisdiction of the Committee on House Administration.

Additionally, the Committee on House Administration expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask for your commitment to support any request by the Committee for conferees on H.R. 4966 for provisions within the Committee's jurisdiction.

I ask that a copy of this letter and your response be placed in the Congressional Record during any floor consideration of H.R. 4966.

I look forward to working with you on matters of mutual concern.

SincereIy,

DANIEL E. LUNGREN,
Chairman, Committee on House Administration.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, May 10, 2012.

Hon. DANIEL E. LUNGREN,
Chairman, Committee on House Administration, Washington, DC.

DEAR CHAIRMAN LUNGREN: I write to you concerning your Committee's jurisdictional interest in the Committee on Oversight and Government Reform's April 26, 2012, amendments to title 5, United States Code, to comply with the reconciliation directive included in section 201 of the Concurrent Resolution on the Budget for Fiscal Year 2013, H. Con. Res. 112.

I appreciate your willingness to support expediting the budget reconciliation process. I acknowledge that the amendments contain provisions under the jurisdiction of the Committee on House Administration, and understand and agree that your willingness to waive further consideration of these amendments is without prejudice to your Committee's jurisdictional interest in this or similar legislation in the future.

I will include a copy of this letter, Oversight and Government Reform's transmittals to the Committee on the Budget, and any response from the Committee on House Administration in the Congressional Record during any floor consideration of these amendments. Thank you for your cooperation as we work towards the completion of the budget reconciliation process.

Sincerely,

PAUL RYAN,
Chairman, Committee on the Budget.

RECOGNIZING THE CAREER AND RETIREMENT OF DR. SAM H. McGOWEN

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the career of Dr. Sam H. McGowen as he retires as Superintendent of Mascoutah Community Unit School District #19, in Mascoutah, Illinois.

Sam McGowen has built a 45-year career in education, both as a teacher and administrator. A native of Poplar Bluff, Missouri, Sam earned his Bachelor's Degree from Southeast Missouri State University in 1966 and began his education career as a social studies teacher in Bonne Terre Missouri. Sam would also earn a Master's from Southeast Missouri State and a doctorate in educational administration from St. Louis University.

Sam's career evolved into school administration and this would lead him to positions as superintendent for several Missouri school districts before coming to Mascoutah, Illinois. Part of the attraction of the Mascoutah opportunity was Sam's familiarity with Scott Air Force Base. He had visited Scott many times as part of his duties in the Missouri National Guard. Knowing that many students in the Mascoutah School District were from military families and appreciating the Mascoutah community from his previous visits, Sam was intrigued by this opportunity.

Sam McGowen's tenure as superintendent of Mascoutah Community Unit School District #19 has seen tremendous growth, both for the district and for the Mascoutah community. Enrollment has soared from 2,700 to 3,600 students and new construction has been completed for both a new high school building and a new elementary school for students who reside on the base.

This success comes in part because Sam understood the unique challenges that schools serving military families, such as Mascoutah, face. As a member of the Board of Directors for the National Association of Federally Impacted Schools and President of the Military Impacted Schools Association in 2001, Sam worked tirelessly on behalf of these students to ensure Impact Aid schools receive the necessary resources to provide their students with a quality education. Sam's dedication has made Mascoutah the successful school district it is today.

Sam and his wife, Sue, reside in Mascoutah and have four children and eight grandchildren.

Mr. Speaker, I ask my colleagues to join me in an expression of appreciation to Dr. Sam H. McGowen for his years of dedicated service to the Mascoutah community and to wish him and his family the very best in the future.

PERSONAL EXPLANATION

HON. ERIC A. "RICK" CRAWFORD

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. CRAWFORD. Mr. Speaker, on Tuesday, May 15, 2012 I was inadvertently detained on rollcall votes 250, 251 and 252. Had I been present to vote I would have voted "yes" on rollcall 250, "yes" on rollcall 251, and "yes" on rollcall 252.

IN RECOGNITION OF MARGARET TERRY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Margaret Terry, who is retiring after 40 years of dedicated service with the Legal Aid Society of Cleveland.

Legal Aid Society of Cleveland is a law firm for low-income individuals and provides services in the areas of consumer rights, domestic violence, education, employment, family law, health, housing, foreclosure, immigration, public benefits, utilities and taxes. It was founded as a nonprofit in 1905. Until 1966, it operated primarily with volunteers. In 1966, staff attorneys were hired; today there are 53 attorneys, 40 staff members and more than 1800 volunteers that serve Cleveland's low-income individuals. Legal Aid's mission is to secure justice and resolve fundamental problems for those who are low income and otherwise vulnerable by providing high quality legal services and working for systemic solutions.

Ms. Terry graduated from East Carolina University in 1967 before enrolling in the University of North Carolina Law School. Upon graduating in 1970, she joined Volunteers in Service to America (VISTA) and relocated to Cleveland, Ohio. Margaret was placed at the Legal Aid Society of Cleveland, working in the Juvenile Unit during her second year of service with VISTA. She was permanently hired by the Legal Aid Society of Cleveland in January 1973. Throughout her career, Ms. Terry handled a wide range of cases. She developed knowledge in a variety of aspects of the law led to her becoming a supervising attorney for Legal Aid's Intake Unit.

Mr. Speaker and colleagues, please join me in congratulating Margaret Terry on retiring after 40 years of unparalleled service to the underprivileged who sought her help through the Legal Aid Society of Cleveland.

RECOGNIZING OLDER AMERICANS DURING THE ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to recognize and celebrate the achievements of Asian and Pacific Americans and their invaluable contributions to the American family.

It is a privilege to represent an extremely diverse district in Orange County, where many Asian Pacific Americans call home. As a Member of the Congressional Asian Pacific American Caucus (CAPAC), I am a proud cosponsor of House Resolution 621, recognizing May as Asian Pacific American Heritage Month. It is also a time to honor the rich traditions and immense contributions Asian and Pacific Islander Americans have made to our nation.

May is also Older Americans Month, a time where we recognize older adults and show our appreciation for their guiding wisdom and commitment to our communities. I would like to take this opportunity to acknowledge three extraordinary APIA community members from Orange County for their distinguished contributions that have enhanced the moral fabric of my district, the state of California, and our country.

Arts and music play an instrumental role in preserving and promoting the Vietnamese American culture. I would like to honor Mr. Tu Cong Phung, a renowned musician. Composer Phung arrived in the United States in 1980, as a boat refugee from Vietnam. His romantic music captures the essence of love that has become an integral part of Vietnamese music-lovers across for over 50 years.

Mr. Minh Tam Nguyen is a businessman, educator, and a veteran. Mr. Nguyen and his family immigrated to America in 1975 and began serving the community as a social worker in California. Mr. Nguyen founded Tam's Beauty Salon and Tam's Beauty Colleges and has educated over 25,000 students during his career and is proud to serve the Orange County immigrant community.

RECOGNIZING DUQUESNE, MISSOURI

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. LONG. Mr. Speaker, I rise today to honor the resilience of the Duquesne, Missouri community.

One year ago the community of Duquesne and surrounding area was devastated by an EF–5 tornado, but showed the nation and the world what it means to help your neighbors in their greatest time of need.

The tornado that wreaked havoc on our friends and neighbors was ½ mile to ¾ mile wide and traveled approximately 13 miles in Duquesne, Joplin and surrounding area. The tornado damaged over 500 residential and commercial structures in Duquesne, forever changing the landscape of the community and lives of those who call the area home. This destructive force of nature claimed 161 lives in the area.

I saw the immediate aftermath of this disaster with my own eyes, and I know it is vital to get the right resources to the right people as quickly as possible, because lives depend on it. As their representative in Congress, it was my job to make sure the federal government worked with local and state officials to provide disaster relief. As a neighbor, it was my job to help in any way I could, from setting up cots in aid stations with other volunteers to helping with search and rescue. Missouri is called the Show-Me State, and Missourians and Americans from across our great country showed the nation and the world the compassion and generosity of the American spirit. Over 120,000 volunteers poured into the area to offer their help and support, and some are still assisting with rebuilding efforts.

As we commemorate the one-year anniversary which changed the lives of all families impacted by this horrific disaster, we treasure the good times in the past and look forward to a promising future for Duquesne and all who call this wonderful place home.

Even though we can't explain why tragedy strikes, we can use what happened here to remind us of the good inside us all and to remind us that even though we lost a lot, we did not lose everything. If anyone thinks that there are not good, generous and compassionate people in this world, then they need to come down here to see firsthand how this community came together during their time of need.

IN REMEMBRANCE OF THE HONORABLE ROBERT E. FEIGHAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Judge Robert E. Feighan.

Judge Feighan was born on September 4, 1927 to Edward and Catherine Feighan. He was a lifelong resident of Euclid, Ohio and long-time member of the St. Vincent de Paul Society of Holy Cross Church. He attended St. Ignatius High School for three years before enlisting in the U.S. Marine Corps. He served in China for a year before returning to graduate from Euclid Shore High School. He went on to John Carroll University and the Cleveland State University's Cleveland Marshall Law School, from which he graduated in 1955.

Judge Feighan first gained notoriety as an assistant Cuyahoga County prosecutor; a position he held from 1961 until 1981. He made headlines for convicting a man who committed a stabbing at Higbee's Department Store. In 1980, Judge Feighan was elected as a Cuyahoga county Common Pleas Court Judge and served until 1988. Uninterested in furthering his career politically, Judge Feighan neglected to run for another term and began a twenty year stint as a visiting judge. He retired in 2008.

I offer my condolences to his sister, Patricia Feighan and his many nieces and nephews.

Mr. Speaker and colleagues, please join me in honoring Judge Robert E. Feighan, who dedicated his life to serving the Greater Cleveland community.

EXPRESSING SENSE OF HOUSE REGARDING IMPORTANCE OF PREVENTING IRAN FROM ACQUIRING A NUCLEAR WEAPONS CAPABILITY

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2012

Mr. CAPUANO. Mr. Speaker, I rise today to discuss my vote in favor of H. Res. 568.

I would like to clarify that nothing in this resolution authorizes or empowers military action by the United States or U.S. encouragement of the use of force by any other country at this time. I have long made plain my conviction that all options should be available with respect to the Iranian nuclear program. I do not believe the military option should be taken off the table for future discussion at a future time. However, this is not an appropriate time to seriously consider or even to hint at military strikes. Most informed observers believe sanctions are heavily affecting the Iranian regime and may be moving it to recognize that the international community is united in opposition to its nuclear project. This is not the moment to loosen the screws, nor is it the moment for cheap bellicosity. Issues of peace and war should not be exploited for political advantage.

I vote yes despite these concerns. I regret that the leadership of this House has chosen this moment to make an unnecessary and untimely political statement. I believe this is profoundly ill timed and injudicious. I call upon the House leadership to stop holding such unhelpful votes at politically charged moments. This resolution heightens the rhetoric in a way that is at best unhelpful to ongoing, promising diplomatic efforts and may be actively damaging.

In addition, I note that the inclusion of language regarding Iran's ''nuclear weapons capability'' is overly broad and undefined. When considering such weighty issues, clarity is of the utmost importance, and Congress should be precise in what we are asking for in this resolution so that we may avoid misinterpretation.

Finally, I point out that the last resolve clause, which ''urges the President to reaffirm the unacceptability of an Iran with nuclear-weapons capability and opposition to any policy that would rely on containment as an option in response to the Iranian nuclear threat,'' is unnecessary and insulting. President Obama has always been clear, forceful, and mature when dealing with the Iranian nuclear program. It is evident that this clause is a political statement meant to score points during a political season.

Nonetheless, with these concerns I am required to vote. Though I considered answering present, I want to be clear about my strong stance on this issue. I do believe that a nuclear armed Iran would pose a danger to the peace of the region and the world. So, today I vote in favor of H. Res. 568, with the clear concerns I have stated.

IN RECOGNITION OF DR. JOE EDWARDS

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to recognize a distinguished community leader in Cartersville, Georgia, Dr. Joe Edwards is celebrating his 25th anniversary as pastor of the Church Liberty Square.

Under his direction, Liberty Square has grown into a ''life-based'' church complex, boasting a K–12 school, family home communities, and a food distribution center that serves the needy. Pastor Edwards is a man who lives his faith; he and members of the Church at Liberty Square have positively transformed their community.

Pastor Edwards' devotion to Christ's ministry is an example to us all. I wish him continued blessings in his work. There is no doubt that Cartersville is a better place because of Pastor Edwards.

Mr. Speaker, I ask my colleagues to join me in recognizing Pastor Edwards and the Church at Liberty Square.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

SPEECH OF

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes:

Ms. SLAUGHTER. Mr. Chair, I rise today in support of my amendment to the National Defense Authorization Act, which will assist victims of sexual harassment or sexual assault in the military. There are countless current and former members of the military who have bravely reported sexual harassment or assault, only to be retaliated against. My amendment would educate these service members about the resources available to them to help them get justice.

These brave men and women, who serve our nation with honor and distinction, should not have to live in fear of reprisal for doing what is right. My amendment will ensure that they are informed of the resources available, and the processes in place, to protect them from any retaliatory personnel actions after reporting sexual harassment or abuse.

The Board of Correction for Military Records (BCMR) is the vehicle by which a current or

former member of the Armed Forces who feels that they have suffered an injustice as a result of error or injustice in military records may apply for a correction of those military records.

My amendment will educate current and former military members about the opportunity to apply for relief from the BCMR if they have been previously punished for reporting cases of sexual assault.

Applying for relief to the BCMR could help a service member such as a current Marine who is facing an unwarranted Field Fight Performance Board following her filing of a sexual harassment complaint.

It could help an Army soldier who was denied promotion, removed from her assignment, and referred for a mental evaluation after reporting a sexual assault, and who received a series of negative evaluation reports after filing a sexual harassment complaint and initiating a Congressional inquiry into her situation.

It could help a sailor who is facing involuntary administrative separation from the Navy—which would deny her future medical benefits—because she has been diagnosed with an ''adjustment disorder'' after seeking mental health treatment in the aftermath of a sexual assault.

We have made excellent progress recently in dealing with this blemish of sexual assault on the proud and honorable tradition of our armed forces. I am pleased that new protections for victims are in place as a result of last year's NDAA, and that the Department of Defense is moving forward with advanced investigative techniques that will improve prosecution of sexual assault cases.

But I am also very concerned about the issue of sexual harassment, which is so often the precursor to sexual assault. This educational campaign is simply a first step in addressing the issue of sexual harassment, and sending a message that this behavior—and certainly retaliating against victims who report it—is absolutely unacceptable in our military.

Much is asked of the men and women who dedicate themselves to the protection of our freedoms. We must continue to ensure that we earn that trust and dedication.

IN HONOR OF THE FORTUNA FAMILY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Fortuna Family, who is being recognized by the Slovenian National Home (the Nash) at their annual Persons of the Year Recognition Dinner.

The Fortuna Family began on November 21, 1953 when Joseph and Virginia Fortuna were married. In 1958, the couple opened the Fortuna Funeral Home in Cleveland's Slavic Village. Throughout their fifty-two year marriage, Joseph and Virginia raised four children, Joseph, Mary Ann, John and Jane.

The eldest, Joseph, was ordained a Roman Catholic priest in 1980 and today serves as the Pastor of Our Lady of the Lake Roman Catholic Church in Euclid, Ohio. Mary Ann married James Trzaska; the two are licensed funeral directors working at Fortuna Funeral Home. Mary Ann and James also have two children, Sheryl and Anthony, who are both attorneys. John Fortuna works at the family funeral home and has been a licensed funeral director for 33 years. John and his wife, Roberta, have three children, Joseph, Katherine and Kristen. The youngest of the Fortuna children, Jane, married Phil DeMattia and they have raised two children, David and Rebecca. Jane works as a nurse at the Cleveland Clinic.

The entire Fortuna Family has had a long connection to the Nash. In addition to Joseph and Virginia's wedding reception being held at the Nash, each of their children's wedding receptions were also hosted at the venue. Father Joseph's ordination was also celebrated at the Nash. Additionally, Joseph and Virginia began a long lasting family tradition of volunteerism at the Nash. Joseph served as President of the Board of Slovenian National Home and was named ''Man of the Year'' multiple times.

Mr. Speaker and colleagues, please join me in congratulating the Fortuna Family as they are honored at the Slovenian National Home's Persons of the Year Recognition Dinner.

DEDICATION AND UNVEILING OF THE MONUMENT HONORING STEPHEN DUBOISE II

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. ADERHOLT. Mr. Speaker, I want to honor and remember Stephen Duboise II, a soldier in the American Revolutionary War, along with his ancestors who can trace their lineage back to the founding of this country. Stephen Duboise II was the grandson of Isaac Duboise, who came to the United States from France. I am honored to recognize him and the entire Duboise family for their contributions to this country.

The Duboise family produced several Revolutionary War soldiers, including Stephen Duboise II. His service record speaks for itself and is documented in his application for a pension filed in Rutherford County, Tennessee, on August 24, 1832. During the war, he served under General Francis Marion (''The Swamp Fox'') and fought in several key Revolutionary battles.

Not long after his time in Tennessee, Stephen Duboise II moved to Franklin County, Alabama, which is part of the Fourth Congressional District that I am proud to represent. He is listed in the Franklin County census of 1840. Stephen Duboise II died in Franklin County on October 15, 1842, and is buried near the Duboise Cemetery in an unmarked grave.

On May 20, 2012, an unveiling and ceremony is scheduled along with the dedication of a monument at the Duboise Cemetery honoring Stephen Duboise II, along with other members of his family line from Isaac Duboise to Poter Duboise, who was buried alongside Stephen in 1910. By placing a monument at the Duboise Cemetery, with the genealogy attached, this rich heritage can be viewed and passed on for many generations to come. May God bless the Duboise family, the great State of Alabama, and the United States of America.

IN SUPPORT OF THE PEOPLE OF NAGORNO-KARABAKH

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. LANGEVIN. Mr. Speaker, I rise today to urge my colleagues to remember and support the people of Nagorno-Karabakh.

It is first worth highlighting the history at work in this tragic situation. Historically, the majority of the population in Nagorno-Karabakh has been Armenian, and the people have always had close ethnic, religious, and familial ties with Armenia. However, in 1921, Joseph Stalin, then the commissar for nationality affairs in the Transcaucasia Bureau of the Communist Party, declared Nagorno-Karabakh to be an autonomous region controlled by Azerbaijan as part of his strategy to divide and rule.

In 1987, as the Soviet Union teetered on the edge of dissolution, the Karabakh Armenians petitioned for the inclusion of Nagorno-Karabakh in the state of Armenia. In 1991, they petitioned for independent state status. Sadly, the situation remains unresolved.

After the Soviet Union dissolved, Armenians in Azerbaijan and Nagorno-Karabakh endured great hardship, including horrific violence in Sumgait (February 1998), in Kirovabad (November 1988) and in Baku (January 1990). These pogroms were only part of a pattern of anti-Armenian activities occurring throughout Azerbaijan, and thousands of people lost their lives and hundreds of thousands of Armenians were displaced as a result. Such targeted violence is as deplorable today as it was two decades ago—yet, tragically, the region is no closer to peace. A cease-fire agreement, brokered in 1994, remains in place, but continued incendiary actions and statements threaten to destabilize peace talks. In January 2008, Azerbaijani President Ilham Aliyev warned Armenians living in Nagorno-Karabakh, ''We are reinforcing our army because we must be ready to free our lands . . . at any moment and by any means.'' Such rhetoric can only be poison to the peace process.

U.S. policy toward the South Caucasus states has included promoting the resolution of the conflict surrounding the independent Republic of Nagorno-Karabakh. It is more important than ever that the United States maintain a principled stand for peace in this region, show that democracy can be born from conflict, and support Nagorno-Karabakh. It is my sincerest hope that Nagorno-Karabakh's right to self-determination can be affirmed without further loss of life.

EXPRESSING SENSE OF HOUSE REGARDING IMPORTANCE OF PREVENTING IRAN FROM ACQUIRING A NUCLEAR WEAPONS CAPABILITY

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2012

Mr. PAUL. Mr. Speaker, I strongly oppose H. Res. 568, a resolution ''expressing the

sense of the House of Representatives regarding the importance of preventing the Government of Iran from acquiring a nuclear weapons capability.''

Once again we see on the ''suspension'' calendar, which is customarily reserved for non-controversial legislation, a resolution designed to move the U.S. toward a military conflict with Iran. Sadly, it has become non-controversial for Congress to call for U.S. attacks on foreign countries that have neither attacked nor threatened the United States.

We should not fool ourselves about the timing of this legislation. Next week, high-level talks between Iran and the five permanent U.N. Security Council members plus Germany, P5+1, will resume. Those who seek U.S. military action against Iran must fear that successful diplomacy will undermine their calls for war.

Disturbingly, some of my colleagues have suggested this resolution can be read as a form of ersatz Congressional approval for the use of military force against Iran.

The International Atomic Energy Agency, IAEA, has the authority to monitor the Iranian nuclear program to determine whether nuclear material is being diverted from civilian to military uses. The IAEA has never reported an Iranian violation. This legislation attempts to scare us into believing otherwise, but that fact remains. And the U.S. Intelligence Community agrees with IAEA conclusions on this matter.

The most dangerous aspect of H. Res. 568 is that it dramatically lowers the threshold for conflict with Iran by replacing the prohibition against acquiring nuclear weapons to a prohibition against a ''capability'' to develop nuclear weapons.

However, as former senior Bush administration official, Flynt Leverett, has stated:

> Iranian efforts to develop a ''nuclear weapons capability''. . . may make American and Israeli elites uncomfortable. But it is not a violation of the NPT. . . . While the NPT prohibits non-nuclear-weapon states from building atomic bombs, developing a nuclear weapons capability is, [allowed] under the NPT . . . It is certainly not a justification—strategically, legally, or morally—for armed aggression against Iran.

But this resolution states that the House ''rejects any United States policy that would rely on efforts to contain a nuclear weapons-capable Iran.'' That makes it very clear that the intent of the House is to authorize force against Iran not if it acquires a nuclear weapon, but if it has a ''capability'' to acquire them some time in the future. The term ''capability'' is left undefined, of course, leaving it open to very broad interpretations by this and future administrations.

Mr. Speaker, this is incredibly dangerous legislation. I urge my colleagues in the strongest manner to reject this stealth authorization for war on Iran.

IN RECOGNITION OF THE DEDICATION OF THE BUST OF FATHER ALEXANDER DUCHNOVICH IN THE RUSIN CULTURAL GARDEN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the dedication of the bust of Father Alexander Duchnovich in the Rusin Cultural Garden on June 24, 2012.

The 254 acre piece of land that constitutes Rockefeller Park was donated to the City of Cleveland by John D. Rockefeller in 1896. The gardens were founded in 1926 to create a memorial area for the diverse ethnic groups that shape the region, and to serve as a space of reflection on peace, cooperation and understanding. The Cultural Gardens are currently a collection of 26 gardens which include African-American, American Indian, British, Chinese, Czech, Estonian, German, Hebrew, Hungarian, Irish, Italian, Polish, and Slovenian gardens, among others.

The Rusin Cultural Garden was dedicated in 1939. In May of 1952, the then leader of the Rusin Cultural Garden Association, Reverend Joseph Hanulya, unveiled a bust of Alexander Duchnovich. Alexander Duchnovich, a Greek Catholic priest, wrote the Rusin national anthem. His writings sought to unify Carpatho-Rusins. Unfortunately, the bust disappeared from the garden sometime during the 1970s.

Decades later, John Krenisky, a Clevelander and member of the Carpatho-Rusyn Society began fundraising for a replacement bust of Father Duchnovich. On November 21, 2011, after more than ten years of work, a bronze replacement bust designed by Wawrytko Studios & Light Sculpture Works was installed in the Rusin Cultural Garden. A celebration to dedicate the bust and efforts of Mr. Krenisky will include a performance by the Living Traditions Fold Ensemble and banquet at Holy Spirit Church.

Mr. Speaker and colleagues, please join me in recognition of the dedication of the bust of Father Alexander Duchnovich in the Rusin Cultural Garden.

CONGRATULATING TAIWANESE PRESIDENT MA YING-JEOU

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. WESTMORELAND. Mr. Speaker, I rise today to congratulate Taiwanese President Ma Ying-jeou on his upcoming inauguration to a second term.

Taiwan is a strategic partner of the United States. The enactment of the Taiwan Relations Act more than 30 years ago is a testament to our relationship. The lasting ties between Taiwan and the U.S. are due, in part, to enduring personal relationships between our two countries.

Our shared love of liberty and respect for our citizenry, upon which our governments were founded, has been truly exemplified by President Ma Ying-jeou.

President Ma enjoys a unique relationship with the U.S., having graduated from two of our most celebrated universities (New York University and Harvard University). His continued leadership to enhance our mutual goals has had a lasting impact on all Americans.

We wish him and the people of Taiwan well in the future and thank him for the cooperation in meeting the challenges we have faced together as allies.

Our future challenges are great and we know we can count on Taiwan as a strategic partner to join us in meeting those challenges as well.

IN RECOGNITION OF MR. MICHAEL SALVATORE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Mr. Michael Salvatore, Superintendant of Long Branch Public Schools. Mr. Salvatore is a gifted and passionate educator who has dedicated his life's work to serving the students of the Long Branch community. His dedication and positive transformation of the Long Branch Public School system have earned him the prestigious recognition bestowed upon him by the Long Branch Concordance. His efforts are truly worthy of this body's recognition.

Michael Salvatore has been employed with the Long Branch Public School System for 14 years and is dedicated to serving the students and families of Long Branch, New Jersey. He began as a preschool teacher and was later promoted to Principal at the Gregory School. Mr. Salvatore quickly won the hearts of many Long Branch children and families. His contagious enthusiasm and positive attitude led to the appointment as a core member of the State Department of Education's Leadership Advisory Council, where he trained hundreds of administrators throughout New Jersey. He has also held the title of District Administrator and Assistant Superintendent. In 2011, Mr. Salvatore was appointed Superintendent of the Long Branch Public School System. Mr. Salvatore's work is surrounded by a motto ''Where Children Matter Most'' and continues to successfully execute this ideal throughout his schools. He remains a firm believer that the quality of any organization cannot exceed the quality of its leaders and continues to craft a principal leadership network to improve essential practices directly correlated to student achievement. Superintendent Salvatore is also a proponent of technologically advanced approached to education. The use of tablet technology, podcast messaging, green energy and cloud computing have been utilized to enhance the classroom experience. Mr. Salvatore is also working diligently to encourage greater community involvement through parent forums and school festivals. A community brunch, inspired and executed by Superintendent Salvatore, fed more than five hundred people during the holidays. Mr. Salvatore's outstanding leadership abilities and dedication to his craft continue to further enhance a student's educational experience.

Mr. Speaker, please join me in congratulating Mr. Michael Salvatore, Superintendant of Lon Branch Public Schools for receiving the honor bestowed by the Long Branch Concordance. His dedication and innovative foresight continues to affect the lives of students throughout Long Branch, New Jersey.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2012

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2012

Mr. VAN HOLLEN. Madam Speaker, since 1994 Congress has expanded and reauthorized the landmark Violence Against Women Act numerous times in a bipartisan manner. It is unfortunate that the Republican leadership in the House has deviated from tradition with this bill.

This bill not only strips important provisions that were passed in the Senate by a bipartisan vote of 68–31, but also weakens preventive provisions that have been included in previous bills reauthorizing the Violence Against Women Act, which were supported by Democrats and Republicans over the past 18 years. The Senate's comprehensive reauthorization bill improves protections for Native American women, immigrants, and ensures all victims are assisted regardless of religion or sexual orientation. I support the Senate's bipartisan approach to the Violence Against Women Act Reauthorization bill. I cosponsored a version of the bill in the House of Representatives. I also voted to bring the Senate bill up for a vote in the House, but the Republican leadership blocked all amendments and the opportunity to vote on the Senate version.

House Republicans have brought to the floor today a controversial bill that will weaken long-standing protections and roll back key provisions. This is the first time the Violence Against Women Act has become political and it is shame. More than 300 groups have opposed aspects of this bill. Those groups include the National Network to End Domestic Violence, National Coalition Against Domestic Violence National Coalition of Anti-Violence Programs, Break the Cycle, U.S. Conference of Mayors, Leadership Conference on Civil and Human Rights, National Organization for Women, YWCA USA, AAUW, Business and Professional Women's Foundation, National Women's Law Center, Planned Parenthood Federation of America, American Bar Association, Human Rights Campaign, NAACP, National Congress of American Indians, National Council of La Raza, Jewish Council for Public Affairs, United Church of Christ, and the United Methodist Church. I believe that Congress should stand up for all victims of domestic violence and support a comprehensive reauthorization bill.

I hope the House rejects this bill today and immediately passes the Senate's Violence Against Women Act reauthorization bill. I will monitor the progress of this bill in conference with the Senate. I am hopeful that future changes and improvements will give me a chance to vote on an acceptable alternative.

IN HONOR OF MRS. MARILYN RANSOM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mrs. Marilyn Ransom, the North Olmsted Community Council Citizen of the Year for 2012. A resident of North Olmsted, Ohio since 1967, Marilyn has been an active volunteer and activist in her community for more than four decades.

Marilyn became involved in volunteerism as a parent by supporting her children's schools and the Girl Scouts. Throughout the 1970s and 1980s, she volunteered as a cadet assistant leader, leader and eventually Field Director for the Erie Shores Girl Scout Council as a recruiter for future leaders. Marilyn was also an involved member of the Parent-Teacher Association (PTA). She served as president of the North Olmsted Pre-School PTA and the Early Childhood Education chair for the Ohio PTA.

Marilyn dedicated her time to the City of Lorain YMCA, where, in her role as administrator, she was able to keep the facility open for an additional three years. She was an active member of the North Olmsted Christian Science Society, an organizer of Relay for Life teams and a volunteer with North Olmsted Community Council's Scholarship and Parade Committee. Marilyn was instrumental in the creation of the North Olmsted Honest Conversations program and the All Nations Day celebrations.

Mr. Speaker and colleagues, please join me in honoring Mrs. Marilyn Ransom, the 2012 North Olmsted Community Council Citizen of the Year.

IN RECOGNITION OF THE SECOND INAUGURATION OF PRESIDENT MA YING-JEOU OF TAIWAN

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Ms. FOXX. Mr. Speaker, on behalf of my colleagues in the United States House of Representatives, it is important to recognize the very important occasion of the second Inauguration of President Ma Ying-Jeou as the leader of our friend and ally the Republic of China (Taiwan).

The upcoming inauguration on May 20, 2012 is the culmination of a tremendous amount of hard work by President Ma who is deserving of praise for his years of public service. President Ma began his career as an assistant to the President of Taiwan before he became the youngest Cabinet Minister in the history of Taiwan. He confronted the difficult challenges of the Justice Ministry where he investigated and prosecuted corrupt public officials before being elected as the Mayor of Taipei where he successfully helped Taiwan's largest city grow economically. First elected in 2008 President Ma is now beginning another four year term following his recent reelection.

Last year, the United States and Taiwan celebrated the 100 year anniversary of our friendship and alliance. I look forward to continuing a robust friendship with this steadfast ally for many years to come and send my best wishes to President Ma as he undertakes the challenges of a second term in office.

HONORING HUDSON VALLEY'S FIRST RESPONDERS

HON. NAN A.S. HAYWORTH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Ms. HAYWORTH. Mr. Speaker, I rise today to recognize the first responders who serve our beautiful Hudson Valley in New York's 19th Congressional District.

This past year brought many challenges to our first responders. It's a privilege to join all of our neighbors in thanking these men and women. As part of our nation's first line of defense, our police, fire, and emergency services personnel put themselves at risk every day to protect our homes, families, and communities.

In particular, the first responders named below deserve special recognition for conspicuous acts of valor, years of dedicated service, and leadership.

From Orange and Rockland Counties:

Captain William Stropell
Responder Stephen Broesler
Responder Melvin Livsey, Jr.
Responder Elieen Searless
Paramedic Elizabeth Bodnar
EMT Pat Conques
EMT Lois Stranges
EMT Anthony Maggio
EMT Shaun Mill
Firefighter Justin Phillips
Police Officer John Bourke
Public Safety Dispatcher Brad Dain
Firefighter Andrew Kolesar
Gas Troubleshooter Ian Mackey
Gas Troubleshooter Lee Stipek
Firefighter Kenneth Patterson
Firefighter Jerry Knapp
The West Haverstraw Volunteer Fire Department
The Haverstraw Volunteer Ambulance Corps
Rockland Mobile Care Paramedics
The Rockland County Anti-Terrorism Analytical Group

From Westchester, Putnam, and Dutchess Counties:

North Salem Emergency Management Coordinator Kurt Guldan
Chief Albert Melillo
Firefighter Joseph Simoncini, Sr.
Firefighter Robert H. Ruston
The Westchester County Technical Rescue Team
Tim Fisher, Richard Benkwitt, Thomas Bock, Joseph Alimena, Chris Blaich, Fred
Briggs, Carlos Canos, Paul Cappello, Chris Colombo, Mark Dickey, Robert
Franklin, William Gallagher, Phil Goulet, Nikolai Kabelev, Eliot Lazar, Gerard
McIlvain, Terence Murphy, Jerome Newman, Joseph Nickischer, Doug Palmesi,
Richard Palmesi, Brett Schlosser, Albert Sulenski
Paramedic, EMT, and Past Captain Donald Graesser
Police Officer Bryan Shay
Police Officer James Terrazos
Detective John Falcone
Paramedic Michael Revenson
Lieutenant Erin Scott
Past Chief Kenneth Clair
Firefighter Daniel Valentine
Firefighter Michael M. Bowman
Chief Mathew Steltz

Captain James Matero
The Cold Spring Volunteer Fire Company
The North Highland Volunteer Fire Company
The Putnam County 911 Emergency Dispatchers
The Putnam County Intelligence Committee
The Fairview Fire Department
The Veterans Affairs Hudson Valley Health Care System

Mr. Speaker, it's an honor to acknowledge and appreciate those who give so much of themselves to keep us safe.

HONORING SOUTH ABINGTON ELEMENTARY SCHOOL

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. MARINO. Mr. Speaker, I rise today to honor South Abington Elementary School, and a very special group of third grade students, recognizing their efforts to found and promote the Paws for Peace initiative.

Inspired by a children's book, Paws for Peace is an initiative started by six third-grade students from South Abington Elementary, with one goal: end the cruelty and suffering of animals in puppy mills. Many puppy mills engage in inhuman practices, including forcing dogs to live their entire lives in cages.

Paws for Peace encourages people to adopt animals from local shelters and pet rescues, rather than turning to puppy mills, using the slogan ''Adopt, don't shop!'' Through local and social media, members of Paws for Peace have been able to spread their message of animal welfare and humanity, creating a great impact throughout the 10th District.

With the assistance of Principal Robert D. Bugno, and teachers Judy Szymanski and Emily Saslo, third graders Olivia Arcuri, Paige Caskey, Ashley Hamilton, Christina Leo, Gianna Marturano, Mattie McGuinness, and Grace Phillips have truly made a difference in their community. They have demonstrated a heartfelt commitment to their cause, and I am proud to applaud their efforts here today.

Mr. Speaker, I rise to honor my constituents, and ask my colleagues to join me in praising their commitment to all walks of life in Pennsylvania's 10th Congressional District.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2012

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2012

Mr. KUCINICH. Madam Speaker, I rise in strong opposition to H.R. 4970 because it represents a missed opportunity to renew the Violence Against Women Act, VAWA. VAWA exists because women have a human right to live in dignity without fear of criminal activity being perpetrated against them, and local and national law enforcement agencies must have specific tools to protect that right.

The bill before this House will undermine the progress our nation has made toward protecting and supporting victims of sexual assault and domestic violence. It runs counter to the intent of VAWA by cutting vital existing protections for battered immigrant women, and excludes important protections for Lesbian, Gay, Bisexual, Transgender and Questioning, LGBTQ, victims, as well as Native American women. This bill fails to protect some of the most vulnerable victims and leaves them without access to essential services.

Three in five Native American women have experienced domestic violence in their lifetime. Up to 33 percent of the LGBTQ community are victims of domestic violence. These are not merely statistics; these are people we represent and they need our support.

I urge my colleagues to vote against this bill.

HONORING ROBIN GREGORIUS, ALABAMA SMALL BUSINESS PERSON OF THE YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. BONNER. Mr. Speaker, I rise to honor Ms. Robin Gregorius, who was recently selected the 2012 Alabama Small Business Person of Year by the U.S. Small Business Administration.

Ms. Gregorius' personal story is a testament to her determination to realize her dream of establishing an assisted living center that addresses the needs of her patients for the comforts and of home rather than a care facility.

The daughter of immigrant parents from the former nation of Czechoslovakia, Ms. Gregorius grew up on a farm in Robertsdale in Baldwin County, Alabama.

Her career as a registered nurse took her across the country, both near and far, including the cities of New Orleans and Los Angeles. Yet, she returned to the Mobile area to put her knowledge to work for local patients who would benefit from her new approach to assisted living care.

In a recent interview with the Mobile Press-Register, Ms. Gregorius noted that over her career she had observed that her older patients longed for ''homey'' surroundings in their care facilities with home cooking—important touches that were often lacking in assisting living quarters. And equally important, the staff in many care facilities seldom offered the ''family touch'' that many older patients sought.

Ms. Gregorius knew there was a better way and she sought to implement a new approach of ''assisted living with a heartbeat.'' While the journey to fufilling her dream was a long one, involving two decades of saving money—often working double shifts to earn for a down payment—she eventually secured a $1 million bank loan. The results have been rewarding.

Today, she owns and operates the Country Gables Assisted Living Home in Grand Bay where she and her staff of 14 care for patients in a novel way. As she put it, her care facility ''is pretty much run like a big bed-and-breakfast hotel, except it's breakfast, lunch and dinner with a 24-hour continuum of care.''

Ms. Gregorius is joined by her mother, Lahoma, and her sister, Ramona, in running their small assisted living facility like a large family home. Their hard work has been rewarded with the satisfaction of their patients and the knowledge that County Gables is a special place.

Fittingly, in March, Robin Gregorius was named as Alabama's Small Business Person of the Year. On May 20, 2012, she will officially receive her award at a Small Business Administration conference honoring the nation's other Small Business awardees here in Washington, DC.

On behalf of the people of Alabama and my colleagues in the Alabama Delegation, I wish to extend personal congratulations to Ms. Gregorius and her family for not only receiving this wonderful honor, but also for their substantial contributions to the lives of many local seniors.

HONORING POLISH MUSEUM OF AMERICA

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. QUIGLEY. Mr. Speaker, on behalf of the more than 110,000 Polish-American constituents in the fifth Congressional district in Illinois, I proudly recognize the 75th anniversary of the Polish Museum of America.

Ever since the inaugural mayoral election where three Polish-American citizens cast their votes for our first mayor, the Polish community has been influencing the culture and direction of the city of Chicago.

The Polish Museum of America is one of the oldest ethnic museums in the United States. The museum was founded in 1935 as a way to promote Polish culture, literature, customs and history as well as attest to the Polish presence in North America.

The Polish Museum of America has one of the most extensive archives and libraries on Polish history in the world, including original prints of flyers, posters, books, and an amazing genealogical research section. The library and archives of the museum are truly invaluable resources for both the Polish and the non-Polish communities of Chicago.

The museum holds many important historical collections, two of which are a collection of personal belongings of Ignacy Jan Paderewski, the second prime minister of Poland, as well as the items from the 1939 World Fair Polish Pavilion. Along with these treasures of Polish history, the PMA frequently houses modern art and other temporary exhibits which represent the proud culture of the Polish people.

Mr. Speaker, it gives me great pleasure and honor to congratulate the Polish Museum of America on 75 years of deepening all of our understanding and respect of the rich Polish history, traditions, and culture. I wish them even more success in the years to come.

RECOGNITION OF MS. LESLEY KILP HAENNY

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to recognize Ms. Lesley Kilp Haenny in

the Department of the Interior, Bureau of Ocean Energy Management on the occasion of her departure from the Bureau's Office of Congressional Affairs.

Ms. Haenny is ending her federal service to join her husband, Jeremy Haenny, a Staff Sergeant in the U.S. Air Force, who was deployed three times to Afghanistan and recently transferred to the State of Washington.

Ms. Haenny distinguished herself through exceptional service while serving as a Congressional Liaison for the Bureau's Office of Congressional Affairs. Many Members of this chamber and our staffs have had the pleasure of working with Ms. Haenny over her four-and-a-half years of service with the Bureau.

Every day she provided key support for not only the Bureau and the Department of the Interior but also in assisting every Member of Congress and the constituents they serve. During her time in the Liaison office, Mrs. Haenny was instrumental in ensuring successful communication that kept Members of this body informed of the Bureau's activities in managing the nation's vital offshore energy resources, both renewable and conventional, in a way that ensures environmentally and economically responsible development. Her keen abilities in organization and interpersonal relationships were critical to the timely and successful communications with this body on the mission and program operations of the Bureau of Ocean Energy Management.

I would like to express my deepest appreciation to Mr. and Mrs. Haenny for their exemplary service to our nation. I wish them safe travels and continued success in this new endeavor.

HONORING BUD CLARK

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. DUNCAN of Tennessee. Mr. Speaker, I wish today to honor a longtime friend and community servant from my District.

William Clark, Jr., or Bud as he was known by everyone, passed away recently at the age of 78.

Bud was born in Flint, Michigan, and lived most of his life in that state. Following business school at the University of Michigan, he went to work in the automobile industry and had a very successful career in management at General Motors.

East Tennessee—and my District in particular—has become one of the most popular places to move to in the entire country because of its incredible quality of life. I first met Bud when, like many others from his home state, he moved to Tennessee to retire.

Although he was not a Tennessean by birth, Bud quickly became more involved in the community than almost anyone I know. He undoubtedly touched the lives of hundreds of people in my District in many positive ways.

Bud became active in the American Legion Post 120 and 256, served in the Loudon County Veterans Honor Guard, the Loudon County Republican Party, the Piney Ruritan Club, the GM Club of Tellico Village, Friends of the Tellico Village Library and was a member of First Baptist Church of Tellico Village.

I have nothing but the highest respect and regard for anyone who serves this country in the Armed Forces, and Bud did so admirably during the Korean War from 1951–1953. He was a very patriotic American who loved this country very much.

I offer my condolences to Bud's wife of 34 years, Connie; daughters, Kim, Karin, Kris, and Keri; 5 grandchildren, 2 great grandchildren, 3 brothers and 2 sisters.

Mr. Speaker, I will remember Bud Clark as a good family man with a deep faith in God. I urge my Colleagues and other readers of the RECORD to join me in recognizing the many contributions he made to my District. This Nation is a better place because of his service and example.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2012

SPEECH OF

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2012

Ms. CASTOR of Florida. Madam Speaker, I rise in opposition to the Rule and urge a ''no'' vote on the flawed bill my Republican colleagues will bring to the floor. They had an opportunity to bring the bipartisan Senate Violence Against Women Act, but chose not to.

The Violence Against Women Act has been bipartisan and noncontroversial for almost 20 years now. The update passed the Senate on a bipartisan basis just last month.

Why does everything have to be a partisan fight? Over the past year, my Republican colleagues in the House have blocked an important jobs package, stalled the national transportation and infrastructure bill, dragged their feet on help for students and the impending increase in the student loan rate, and now they have turned what has been a bipartisan effort to protect the victims of domestic violence into a senseless political fight.

Republicans would not even allow debate on any amendments so we could address its flaws.

In fact, their legislation not only rolls back longstanding, bipartisan provisions, but it leaves out protections for our LGBT community, Native American women and immigrants.

Unlike the bipartisan Senate version, the House Republican bill does not include a provision prohibiting any Violence Against Women Act funds from discriminating against anyone based on their sexual orientation.

The House Republican bill also does not include language explicitly including the LGBT community in the ''STOP Grant program'' that provides funds to domestic violence service providers.

Studies have shown that the LGBT victims face discrimination when accessing domestic violence services.

We should be working towards stronger domestic violence protections for the LGBT community—not trying to exclude them from domestic violence protections, as the Republican bill would do.

One in four women will experience domestic violence in her lifetime. Many of these domestic assaults go unreported by the victims for fear of retaliation by their abuser.

Immigrant victims are oftentimes the most vulnerable to this cycle because their abusers use their immigration status as a tool to manipulate and control them.

That is why in the 1994 Violence Against Women Act Congress included the ''self-petition'' provision to ensure that immigrant victims of domestic violence could leave their abuser without fear of losing legal status.

The Republican bill would delay and deny that protection for many immigrant victims.

In my home state of Florida there were 113,378 crimes of domestic violence reported in 2010.

If the Republican bill were to pass, more domestic violence crimes would go unreported, more abusers would be free, and more victims would be harmed.

More children, families, and women would be at risk of continued abuse by their abuser.

This bill works in opposition to the very purpose of the legislation—to protect victims of domestic violence.

Not just some victims—all victims.

So advocates across the country who are on the front lines in aiding women and victims everyday have announced their opposition. Please defeat the rule, so that we can call up the bipartisan, improved version from the Senate.

IN MEMORY OF EDWARD MALLOY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. KING of New York. Mr. Speaker, I rise today to honor and acknowledge Ed Malloy, who tragically passed away on May 16.

Mr. Malloy was a committed labor leader who served as president of the New York City and New York State Building and Construction Trades council and was a vice president of the New York State AFL–CIO. He was a former steamfitter and a veteran of the U.S. Army who proudly served as Grand Marshal of the 2001 St. Patrick's Day Parade. I was proud to call him my friend.

Ed selflessly dedicated his own life to improving those of the working men and women of New York. He promoted private economic development and public works projects that cut costs and created countless jobs throughout the State. Following the tragic events of 9/11, he heroically led his members in the cleanup and rebuilding of the site.

Ed Malloy's contributions to the State of New York will endure for years to come. My thoughts and prayers are with his members, family and friends. He will truly be missed.

TRIBUTE TO CHARLES N. BIKAKIS

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. MCCARTHY of California. Mr. Speaker, I rise today to honor Chuck Bikakis, who recently retired as the Director of the Kern County Veterans Service Department. Chuck has been a motivated and passionate advocate for our veterans in Kern County for the past 14 years.

A veteran of the United States Marine Corps, Chuck received his Bachelor's degree from the United States Naval Academy and entered the Marine Corps in 1960. Chuck retired with the rank of Major after 20 years of service. In that time, Chuck served our country in Vietnam from August 1968 through September 1969.

After his retirement from the Marine Corps in 1980, Chuck relocated to Bakersfield and worked in real estate. He then worked in a Job Developer position with the Kern County Employers' Training Resource starting in January 1994 until the Kern County Board of Supervisors appointed him to the position of Director of the Kern County Veterans Service Department. Chuck held the position of Director of the Veterans Service Department since April 20, 1998.

Shortly after his appointment, Chuck relocated the Veterans Service Department to its current location and established the Kern County Veterans Services center. This one-stop Center now includes a Job Developer from Employers' Training Resource and a computer resource room. He was instrumental in bringing to Bakersfield the California Veterans Assistance Foundation, which operates a transitional housing program for veterans.

There are many other examples of Chuck's leadership that will continue to benefit veterans of Kern County for years to come. Chuck's concern for homeless veterans led to the first Kern County Homeless Veterans Stand Down during October 1999. With the assistance and support of veteran organizations, community volunteers, and local businesses, Stand Down has become an annual event that provides outreach and guidance to homeless veterans to give them the opportunity toward a new beginning away from life on the streets. Chuck has also collected funds to assist the families of deployed servicemembers and was an active participant in the design and development of the Kern County Veterans Memorial and the Bakersfield National Cemetery.

Dedicated to education and service on multiple levels, Chuck's retirement will leave big shoes to fill at the Kern County Veterans Service Department. I commend his service to the thousands of veterans in our area, thank him for his dedication, and join many members in our community in wishing Chuck our best wishes as he embarks into the next chapter of his life.

THE EFFICIENT EXPORT PROMOTION TO HELP AMERICAN BUSINESSES ACT OF 2012

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. MCDERMOTT. Mr. Speaker, today I am introducing a bill with the support of Congressman REICHERT to increase the efficiency and effectiveness of our country's export promotion efforts. Over the next decade exports will be this country's biggest growth engine for jobs. Even though most everyone knows that, everyone also agrees the United States does not do a great job of promoting our exports. But with commonsense no-cost reforms, we can take big steps to change that—and create jobs faster and compete better with other countries.

There are about 20 agencies in the Federal Government working hard to promote our exports—and they're all overseen by an effort centered in the called the Trade Promotion Coordinating Committee, TPCC, created by President Clinton in 1993.

The fact that most people have never heard of it says a lot about why we're not succeeding. My bill would put more energy into their efforts.

First, this bill would make sure the TPCC and all the agencies it coordinates has a single plan every year, sets clear goals and ensures the export efforts of all of these agencies are coordinated and do not overlap.

Second, my bill would require an annual report to businesses and Congress that looks back on the government's efforts to promote exports, the private sector's progress, where the Federal Government's work succeeded and came up short, how we're competing with other countries and what our next steps are.

Finally, my bill gets businesses and the TPCC much better data so we actually know how we are doing. Right now our Services export and import numbers are up to 35 percent off because Congress does not let the statisticians in the Commerce Department see all the data they need. Businesses want accurate economic data and people who promote our exports have to have it too. This is a place where Congress is in the way and we should fix it.

More than 50 other countries promote their exports and most of those countries do a better job than we do. This bill would go a long way towards making us number one.

This bill would cost the American taxpayer nothing, but go a long way towards making our export efforts more efficient, more accountable, and would help us create more jobs here at home. Thank you.

TRIBUTE TO WINFRED YOUNG ''CHUCK'' LORD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. BONNER. Mr. Speaker, I rise to pay tribute to the exemplary life of a beloved and respected citizen of South Alabama, Mr. Winfred Young ''Chuck'' Lord, who recently passed away at the age of 75.

If we are truly fortunate, we may have an opportunity to get to know a person or two who is an inspiration in all that they do. Such people leave lifelong impressions on family and friends and their example calls us to be our best as well. To all who knew him, Chuck Lord was such an inspiration.

A native of Atlanta and a longtime resident of Mobile, Chuck Lord embodied the qualities of hard work, dedication to family and devotion to faith that made this country great. Hard work met up with him at an early age. Beginning at age 13, he labored to support himself and, at 17, he joined the Navy where he served for three years as a machinist aboard the USS *St. Paul,* a *Baltimore*-class heavy cruiser.

After completing his duty to country, Chuck Lord returned to civilian life, taking a job at McDonnell Douglas Aircraft Company in California. It was also in the Golden State that he met his future wife, Patricia. After a three-month courtship, they married, embarking on a journey that endured for 52 years.

In 1974, they bought a small vacuum business in Mobile. Chuck's hard work and skill led A&A Vacuum to expand to new locations in Mobile and Fairhope, transforming the company into a regional institution.

Chuck Lord was known as a fighter, giving his family and his business his full measure of attention even in the face of serious health conditions. Even as he recovered from heart transplant surgery, he insisted upon helping to run his business. Similarly, when he suffered kidney disease, he chose to undergo dialysis during the evenings so as not to interfere with his work schedule.

Chuck Lord treated his customers with the same dutiful attention to detail, earning him the respect and friendship of many.

On behalf of the people of South Alabama, I would like to extend my condolences to his wife Patricia, their children, Susan, Michael, Jenny, David, Dan, and Tony; their 28 grandchildren and two great grandchildren, and many friends. You are all in our prayers.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

SPEECH OF

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes:

Mr. BACHUS. Mr. Chair, the Fiscal Year 2013 National Defense Authorization Act contains badly needed reforms that are vital to our national security and our defense industrial base.

America's small business industrial base has supported our military for generations, and their participation enhances competition, helps control costs, and spurs American innovation. H.R. 4310 recognizes that our defense maintenance needs are best met when we have capabilities both internally in the Department of Defense and in a private sector where work is competitively awarded.

Sections 1631 and 1632 will help maintain a strong small business presence in our defense industrial base which is essential to reducing maintenance and procurement costs as well as maintaining a strong national defense.

It is my strong belief this important legislation will help ensure that the highest level of support services are provided to the men and women who protect our freedom.

RECOGNIZING THE REPUBLIC OF TURKEY COMMEMORATING MAY 19 AS ATATURK YOUTH AND SPORTS DAY

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. COHEN. Mr. Speaker, I rise today to commemorate May 19 as a significant day in the history of our friend and ally the Republic of Turkey.

In Turkey, May 19 is celebrated as the commemoration of Mustafa Kemal Ataturk, the Founder of the Republic of Turkey. It was on that day in 1919 when Ataturk landed in the Black Sea port of Samsun and the war of independence began. After the war, he dedicated May 19 to Turkey's youth as a reminder that their ''first duty is to preserve and defend forever Turkish independence and the Turkish Republic.''

He was an exceptional leader who understood that Islam and modernity are not inconsistent—an important factor to reinforce today with democratic leaders throughout the Muslim world.

Ataturk went on to build a republic based on universal values, secularism, equal rights and democracy under the rule of law—from a disintegrating Ottoman Empire. He understood that advances in women's rights, education, science and technology were crucial to his vision of creating a nation as proud members of the group of civilized nations.

His reforms inspired President John F. Kennedy who said, ''The name Ataturk reminds mankind of the historical accomplishments of one of the greatest men of this century. His leadership gave inspiration to the Turkish nation, farsightedness in the understanding of the modern world, and courage and power as a military leader.''

Recognizing the importance physical activity has in the health of our nations, the United States and Turkey have a shared vision of promoting the well-being of their nation's youths. Coinciding with Ataturk Youth and Sports Day, President Barack Obama has designated the month of May 2012 as National Physical Fitness and Sports Month. These celebrations promote the value of physical activity in the pursuit of a happier, healthier and more productive nation.

May is a very important month for the United States and Turkey—it's a month where we both honor the importance and health of our youth. What started on May 19, 1919 as a great leader beginning his inspirational journey to transform his people, has culminated in a yearly celebration of his vision becoming a reality. We should all learn a lesson from this man's life. A leader with motivation and determination can lay the roots for a great future.

IN RECOGNITION OF PATTY MOZLEY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to recognize Ms. Patty Mozley for her 43 years of dedicated service to the students of The Walker School in Marietta, Georgia.

Mozley moved to Marietta in 1969 and began teaching third grade at The Walker School, a position she held for 17 years. She also served as interim principal, and spent her last 26 years as an enrollment advisor.

An avid playwright, Mozley also began The Walker School's drama program, writing and directing the first script. Before her retirement, The Walker School renamed its studio theatre in Mozley's honor.

Students, parents, and communities need more educators like her. She has inspired countless lives and fostered a love for learning in her students.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Mozley's outstanding accomplishments and her unwavering commitment to education.

RECOGNIZING EDITOR CAROL STARK AND THE JOPLIN GLOBE EDITORIAL STAFF

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. LONG. Mr. Speaker, I rise today to recognize Editor Carol Stark and her staff at The Joplin Globe for their steadfast coverage of the Joplin tornado disaster.

The Joplin community was dealt a devastating blow when it was struck by a deadly tornado on May 22, 2011. During the entire aftermath of this catastrophe, Carol and her team did not waiver in providing up-to-date coverage to the Nation. Amidst the chaos that included the destruction of half of the staff's homes and the death of a fellow staffer, The Joplin Globe carried on its work and managed to get the next day's newspaper out only an hour late.

Because of her unyielding dedication and leadership during these hard times, Carol is the recipient of the Local Media Association's Editor of the Year award. The Joplin Globe also received the Jesse Laventhol Prize for Deadline News Reporting by the American Society of News Editors on April 2, 2012 in Washington, DC for its coverage of the tornado. These are noteworthy accomplishments and I am proud that they have been acknowledged for their efforts.

Mr. Speaker, Carol Stark and her team at The Joplin Globe have served both our community and our Nation well amidst times of trial and it is an honor to recognize their dedication and work.

RECOGNIZING STEVEN MOCZARY AS THE 2012 EGLIN AIR FORCE ASSOCIATION TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize and congratulate Mr. Steven Moczary, the 2012 Eglin Air Force Association Teacher of the Year. Despite being new to the field of teaching, Mr. Moczary has had a substantial impact on the lives of his students. To be chosen as Teacher of the Year after only one year in the profession is evidence of Mr. Moczary's talent and work ethic. Mr. Moczary's strong background in science, engineering and aviation, as displayed by his Masters Degree in Aeronautical Science from Embry Riddle Aeronautical University and his Bachelors Degree of Science in Engineering from Texas Tech University, has helped him achieve laudable success in such a short period of time.

Before beginning his career in education, Mr. Moczary served in the United States Air Force as a B–52 Electronic Warfare Officer and Flight Safety professional. As a teacher, he has continued his dedication to aeronautical safety as the Assistant Director of Academic Support for the CHOICE Aviation Institute. In this role, he works with his alma mater, Embry Riddle, to instill in his students a love for aviation, while imparting in them the importance of safety. His hope is to encourage more students to enter the aviation field.

Mr. Moczary's courses at the CHOICE Aviation Institute are among the most invigorating, innovative, and challenging in the entire school district. His knowledge of aeronautics is coupled with a unique ability to engage his students. Mr. Moczary is also able to call on his experience serving in the United States Air Force Safety Center and his vast knowledge of the safety systems and the human interface to communicate valuable information to students about the aviation profession and the science of flight.

Mr. Moczary is described as always having a ''can do'' spirit that he utilizes in his inspiring attitude to motivate his students. In his position as the Assistant Director of Academic Support, Mr. Moczary counsels and speaks to students about present and future enrollment in aviation programs, often providing them with career counseling. He also reintroduced the Unmanned Aerial Vehicles (UAVs) course to the CHOICE Aviation curriculum. This course teaches students about UAV technology, which can be particularly important to the Florida Panhandle after a hurricane or natural disaster to survey damage and search for missing persons. Mr. Moczary has given back to the community through a course teaching flying safety in high schools and middle schools across the Florida Panhandle.

Described as an invaluable asset to the CHOICE program, Okaloosa County schools, and Embry Riddle University, Mr. Moczary is committed to the success of each of his students. On behalf of the United States Congress, I am proud to recognize Mr. Steven Moczary for his achievement and commitment to aviation education in Northwest Florida. I also commend his honorable service in the

United States Air Force. My wife Vicki joins me in wishing him all of the best.

HUMAN RIGHTS IN HONDURAS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. FARR. Mr. Speaker, I rise today to express my deep concern about the steady deterioration of human rights in Honduras since the June 2009 coup d'état. In recent months, attacks against journalists; lesbian, gay, bisexual, transgender, and intersex (LGBTI) advocates; land rights activists and other vulnerable communities have increased. I want to draw particular attention to a few tragic deaths that occurred just this month: on May 1st, Santos Alberto Dominguez, a member of the Civic Council of Popular and Indigenous Organizations (COPINH), was murdered. On May 8th, Erick Martinez, a well-known LGBTI activist, was found dead in a gutter. And on May 9th, Alfredo Villatoro—a popular radio show host—was kidnapped on his way to work and has not been heard from since.

These deaths come amidst numerous reports of abuses committed by Honduran security forces. And yet the vast majority of these abuses as well as Mr. Dominguez and Mr. Martinez's deaths have yet to be investigated and prosecuted. I have repeatedly requested that all U.S. assistance to Honduran police and military forces be suspended as long as Honduran authorities fail to investigate and prosecute these abuses. It is a travesty that U.S. taxpayers dollars are bolstering abusive security forces.

But while the situation in Honduras continues to deteriorate, I am encouraged by the important work of Honduran human rights organizations. These groups are on the frontlines of justice, documenting human rights abuses and offering the support and legal representation that the Honduran state fails to provide. Yet these organizations are receiving threats of sexual violence—particularly targeted at female human rights workers—and death threats without any form of effective protection from the Honduran authorities. There has also been a troubling escalation of threats against international human rights accompaniers. All of these threats must be immediately investigated, and the individuals and groups that are behind them must be brought to justice.

Mr. Speaker, I will continue to support human rights in Honduras. The people of Honduras deserve their rights. They deserve their freedoms. And they deserve peace. They have suffered too much. Justice cannot wait a moment longer.

THE COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

SPEECH OF

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5326) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2013, and for other purposes:

Mr. LARSON of Connecticut. Mr. Chair, I rise today in opposition to H.R. 5326, the Commerce, Justice, Science, and Related Agencies Appropriations Act for FY 2013. While there have been several amendments that have improved the bill, including the increase in COPS funding, I still cannot support the measure in its current form.

One program that is particularly hard hit by this bill and is important for many of my constituents, and citizens across the country, is the Legal Services Corporation. The Legal Services Corporation is the largest funder of civil legal aid for low-income Americans, and makes aid available to some 60 million people nationwide. Once again, the Republican majority is proposing to cut millions of dollars from its budget, and leave thousands of the poorest among us underserved just when they need help the most.

The mission of the Legal Services Corporation is to provide at-risk citizens like the elderly, veterans, and single mothers with legal assistance when they need help from a trained lawyer or paralegal. The people we are talking about helping are mothers trying to protect their children from an abusive spouse; senior citizens trying to prevent their homes from being foreclosed on; and veterans trying to secure the benefits they are entitled to.

The economic downturn and the collapse of the housing market left many of our families in greater need of legal aid than ever before. We must make sure that access to well-trained legal assistance is not only available to wealthy Americans who can pay for it out of pocket, but also to the least among us.

In Connecticut, the cuts to funding will probably mean another round of layoffs in addition to the cuts the program was already forced to make last year. This will again decrease the number of trained staff available to handle calls when citizens who are confused and intimidated by the legal system reach out for help. Millions of dollars in additional cuts will mean that tens of thousands of calls from people seeking advice will go unanswered, and thousands of ongoing cases will remain unresolved.

Mr. Chair, for this reason, and for several others, I have decided that I cannot support this bill in its current form and hope that through negotiations we are able to find some way of rolling back these destructive cuts to a successful, longstanding program that benefits millions of our fellow Americans.

PAYING TRIBUTE TO U.S. ARMY COLONEL CHANDLER C. (SKIP) SHERRELL

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor U.S. Army Colonel Chandler C. (Skip) Sherrell who is retiring after 26 years of service to our nation as an Army Aviation Officer. During his distinguished career, COL Sherrell served the nation in peace and war in numerous positions of steadily increasing responsibility. COL Sherrell has led soldiers in combat, trained soldiers for war, and served as an advisor and assistant to the Chairman of the Joint Chiefs of Staff (CJCS), the Chief of Staff of the Army (CSA), and as a DoD Fellow to the United States Congress. He has served his Nation in Iraq, Saudi Arabia, Bosnia, Germany, and Korea, as well as in demanding assignments in the United States. His decorations for his service include awards for valor. He is an outstanding Army aviator, leader, and soldier, and he is deserving of our recognition.

COL Skip Sherrell concluded an outstanding career by serving for two years as the Chief of Staff of the U.S. Army Aviation & Missile Life Cycle Management Command (AMCOM). He brought a wealth of expertise in aviation operations to the AMCOM Command Group. Prior to joining AMCOM, COL Sherrell performed one of the most demanding and critical assignments of his career, serving as the Commander of Task Force (TF) 49. TF 49 was the Army's designation for a composite Aviation Brigade, formed from many units to perform combat operations in Iraq. In twelve months of intensive flying in multiple locations across Iraq, COL Sherrell led TF 49 to complete mission success with an impressive safety record—an outstanding achievement.

COL Sherrell served in a role that few Army officers experience: working as the Deputy Legislative Assistant to the Chairman of the Joint Chiefs of Staff (CJCS). Serving as a liaison to Congress as the personal representative of the CJCS is an important position, but more importantly, he also served as a soldier's advocate on Capitol Hill for equipment modernization and improved systems and protection.

Therefore Mr. Speaker, I ask our colleagues to join me in honoring COL Chandler C. (Skip) Sherrell's exceptional service, dedication and devotion to duty, leadership, and professional competency. He exemplifies the fine tradition of military service and reflects great credit upon himself, the Department of the Army, and the United States of America. May he know that his nation is greatly appreciative of his dedication, and wishes him the best in all his future endeavors.

JUANITA WILLIAMS—100TH BIRTHDAY

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. JONES. Mr. Speaker, two years ago I had the privilege to be on the House floor to bring tribute to a wonderful woman, Mrs. Juanita Worsley Williams, to acknowledge and celebrate her 98th birthday. I come again today to honor this lady on her 100th birthday on May 18, 2012.

Obviously, Mr. Speaker, there are many, many older Americans to celebrate, but this lady is special to me because she was with her husband, Dr. Williams, when he delivered me 69 years ago.

My father, the late Congressman Walter Jones, Sr., and my mother were very close with Mrs. Williams and her husband. My sister

and I were close friends with the Williams children as we grew up. In a small town like Farmville, NC, everyone knows each other and my unique relationship with the Williams family has always been very special to me.

On the 19th of May, Mrs. Williams' family and friends will attend her birthday celebration. It will be a celebration of the 100 years of a lady with a strong religious faith who loves her family and community.

What Juanita Williams has given to the Town of Farmville is hard to measure, but her deeds speak for themselves: church service, Girl Scouts, Daughters of the American Revolution, Children of the American Revolution, Meals on Wheels, and much more.

This is a lady who gives more than she receives. Thank God for Mrs. Juanita Williams and may He continue to bless her, her family and these United States.

RECOGNIZING VICE ADMIRAL SALLY BRICE-O'HARA

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. LoBIONDO. Mr. Speaker, I rise today to recognize a leader for her extraordinary service in the United States Coast Guard. Vice Admiral Sally Brice-O'Hara served our nation for nearly 38 years, and on May 18, she will retire as Vice Commandant of the Coast Guard. We all owe her a debt of gratitude for her tremendous commitment to service and to our country.

As the 27th Vice Commandant of the Coast Guard, Vice Admiral Brice-O'Hara not only led over 57,000 active-duty, reserve and civilian members and 30,000 Coast Guard Auxiliary volunteers in executing all of the Coast Guard's maritime life-saving, law enforcement, environmental protection, ports and waterways security, and national defense operations world-wide, but she also served as the Chief Acquisition Executive responsible for guiding the Coast Guard through its critical, multi-billion dollar recapitalization program. Her leadership in driving the Service toward achieving the highest standards of professional conduct and competency, fiscal stewardship and public accountability led to the Coast Guard's first-ever qualified audit opinion, significant improvements in management of the Coast Guard's deployable specialized forces, and the implementation of numerous Service-wide aviation safety and training enhancements.

Vice Admiral Brice-O'Hara's experience, foresight and commitment to serving her fellow Coast Guard men and women and the people of the United States can be seen in the many accomplishments she achieved throughout her service in the Coast Guard's most important and impactful leadership positions. As Deputy Commandant for Operations, Vice Admiral Brice-O'Hara implemented vital improvements to the Service's operations and mission support execution and coordination through their modernization and stabilization programs; the most significant organizational change initiatives in the Service's history. As Commander of the Fourteenth District, Vice Admiral Brice-O'Hara directed all Coast Guard operations in the Central Pacific encompassing an area of over 12 million square miles. Responsible for protecting U.S. economic and sovereign interests in this vital region, Vice Admiral Brice-O'Hara ensured the security of our exclusive economic zones, protected our natural resources, and represented U.S. interests to our international partners as the Deputy Commander for East Asia–Pacific Engagement. Her other Flag Officer assignments include Director of Reserve and Training where she developed Coast Guard-wide recruiting, training and management of over 12,000 Coast Guard Ready Reservists, and oversaw all Coast Guard training facilities; and Director of Personnel Management, where she administering Coast Guard-wide human resource and workforce development programs.

Vice Admiral Brice-O'Hara has also served in numerous command positions around the country including several which have had a direct and vital impact on the residents of Southern New Jersey and my Congressional District. As commander of the Fifth Coast Guard District, she directed Coast Guard operations along the mid-Atlantic and was responsible for protecting some of our Nation's most important economic sea ports and military infrastructure. She also oversaw response to the ATHOS I oil spill, the largest oil spill ever to affect the East Coast. Her dedicated leadership helped the Delaware Bay region recover quickly and avoid a lasting negative impact on the regions economy and Bay's sensitive ecosystem. She also served as Commanding Officer of the Coast Guard's only Recruit Training Command in Cape May, New Jersey where she ably prepared recruits for service in the Coast Guard. Finally, she served as Commanding Officer of the Cape May Boat Station, where she oversaw the safety and security of South Jersey's waterways and the search and rescue of hundreds of individuals.

The conduct and leadership of Vice Admiral Brice-O'Hara's has been exemplary. She has been awarded the Homeland Security Distinguished Service Medal, the Distinguished Service Medal, five awards of the Legion of Merit, the Meritorious Service Medal, six awards of the Coast Guard Commendation Medal, the Coast Guard Achievement Medal, and the Commandant's Letter of Commendation.

A native of Annapolis, Maryland, she graduated from Goucher College in 1974 with a Bachelor of Arts Degree in Sociology and received her Coast Guard commission from Officer Candidate School in 1975. She holds a Master of Arts Degree in Public Administration from Harvard University, John F. Kennedy School of Government, where she was named a Littauer Fellow, and a Master of Science Degree in National Security Strategy from the National War College. Vice Admiral Brice-O'Hara and her husband Robert O'Hara, a retired Coast Guard officer, have two adult sons, Robert and Brice.

Both as the Chairman of the Coast Guard and Maritime Transportation Subcommittee and as a grateful citizen, I am honored today to recognize the extraordinary career and distinguished service of Vice Admiral Brice-O'Hara. On behalf of a grateful Nation, I thank her for her and her family's sacrifices over the past 37 years, and I wish her well as she retires from the Coast Guard.

EXPRESSING SENSE OF HOUSE REGARDING IMPORTANCE OF PREVENTING IRAN FROM ACQUIRING A NUCLEAR WEAPONS CAPABILITY

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2012

Mr. DINGELL. Mr. Speaker, I rise in support of H. Res. 568, a resolution emphasizing the importance of preventing the Government of Iran from acquiring a nuclear weapon. I have long held that the United States should make every effort to stop Iran from acquiring a nuclear weapon and this resolution is consistent with that belief. Allowing them to do so would needlessly create instability in the region, potentially spark a nuclear arms race, and would threaten our ally Israel. As someone who has consistently defended the security of Israel, such an outcome would be unacceptable.

I applaud President Obama for taking a strong and decisive stand on this important issue. H. Res 568 recognizes the President's March 31, 2010 statement that the ''consequences of a nuclear-armed Iran are unacceptable,'' and I wholeheartedly agree. That being said, we should give diplomacy and tough economic sanctions every chance to succeed in dealing with Iran. As I have said in the past, the consequences of rushing to war are grave and should be made with all due consideration. I have high hopes for the talks that the international community is holding with Iran at the end of the month, and look forward to seeing the result. The whole world is indeed watching.

HONORING PASTOR J.S. HOPKINS ON HIS RETIREMENT FROM ST. MARK MISSIONARY BAPTIST CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. KILDEE. Mr. Speaker, on Saturday, June 2, 2012 Dr. J.S. Hopkins is being honored for a lifetime of devotion to the Lord and his 52 years of service as Pastor to the spiritual community of St. Mark Missionary Baptist Church in Flint, Michigan.

Dr. Hopkins was born on December 19, 1922 in Flora, Mississippi. He accepted Christ as his personal savior and was baptized on September 19, 1937. From 1942 to 1946 he served in the armed forces of the United States and in 1946, the year he was honorably discharged, he married Miss Lureatha Outland. The couple are proud parents of seven children. It was also in 1946 that Dr. Hopkins was crowned a church deacon and shortly afterward the couple moved to Michigan and Rev. Hopkins went to work for General Motors. He retired from GM in 1978 after 30 years of dedicated service.

After moving to Flint, Dr. Hopkins joined New Zion Missionary Baptist Church, serving on the Deacon Board. In 1957, the Hopkins moved their membership to True Light Missionary Baptist Church and within a year he

was ordained as a minister. On May 9, 1960 Dr. Hopkins was called to pastor Temple Missionary Baptist Church, which later became the St. Mark Missionary Baptist Church. Dr. Hopkins' inspired leadership, vision and courage has been an immense blessing to the St. Mark Family. His spiritual, civic and social responsibilities have included being President of the Baptist Ministers Fellowship Alliance of Flint; Board of Directors, Great Flint O.I.C; Chairman, Annual Awards Committee, Concerned Pastors for Social Action; Dedicated Chairman of the C.P.S.A Courier; Founder of the Genesee County Christian Institute; Member of the Chaplaincy Advisory Council, Michigan Department of Corrections, and; Advisor to the Wolverine State Convention.

Mr. Speaker, please join me in congratulating Dr. J.S. Hopkins on his well-deserved retirement and dedication to the Flint community. His message of the Gospel of Jesus Christ and service to St. Mark Missionary Baptist Church are an inspiration to us all.

PORTS AS SMALL BUSINESS INCUBATORS ACT

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Ms. HAHN. Mr. Speaker, during my short time in Congress, I've worked hard to highlight the importance of our ports, not only to my district in California, but to our national economy. Ports support 13.3 million American jobs and generate $3.15 trillion in economic activity. That is why I founded the PORTS Caucus to educate Members of Congress on the importance of ports to our national economy. As a member of the Small Businesses Committee, I also understand that economic recovery is going to be fueled by the job-creating power of our small businesses.

That is why I am introducing the ''Ports as Small Business Incubators Act,'' which will join these two economic forces and further strengthen our economy. In 2005 alone, North American incubation programs assisted more than 27,000 companies that provided employment for more than 100,000 workers and generated annual revenues of $17 billion. My bill creates a grant program available to Port Authorities interested in creating their own small business incubators.

The Ports as Small Business Incubators Act will allow port authorities to apply for a grant to create a small business incubator. This program will encourage port authorities to give opportunities to entrepreneurs who need them most. These newly-created small business incubators will be designed to foster small businesses owned by women, veterans, and minorities. Finally, this program will also encourage businesses that develop a crucial part of our economy: green jobs. Port authorities can work with small businesses that focus on clean energy and improved air and water quality.

By passing this bill, we will ensure that our entrepreneurs are given the chance to succeed. This program will nurture our new businesses and provide a much-needed boost to our recovering economy.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Ms. ROYBAL-ALLARD. Mr. Speaker, I was unavoidably detained and missed rollcall Vote No. 208 on the evening of May 7, 2012. Had I been present, I would have voted in the following manner:

Rollcall Vote No. 208—Quayle (AZ) Amendment: ''no.''

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5326) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2013, and for other purposes:

Mr. VAN HOLLEN. Mr. Chair, I rise to oppose H.R. 5326, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year 2013.

This bill violates the bipartisan agreement Congress struck with the President last August when we enacted the Budget Control Act of 2012. That legislation created a framework to reduce the deficit by two trillion dollars. It provided balanced spending caps that reduced the nation's deficit while protecting our national priorities and the fragile economic recovery. The House Republican Leadership decided to ignore this agreement months after it was enacted by demanding an additional $19 billion in cuts in this bill and other appropriations bills. This bill is $1.6 billion less than the fiscal year 2012 Commerce, Justice, Science bill and about $731 million less than the Senate's version. These unnecessary cuts reduce our investments in key areas like law enforcement, access to justice for the poor, scientific research, efforts to protect of environment and funding for our space program.

These cuts are unnecessary and force Members of Congress to makes decisions to cut one necessary program at the expense of another critical program. For example, the original bill funds the Community Oriented Policing Services Hiring Grants Program (COPS) at $217 million less than the level requested by the Administration. An amendment was adopted to increase funding for the COPS grants to current level, but it took critical funding from NASA. If the Republican leaders would have abided by the Budget Control Act agreement, we would have been able to fund critical COPS grants and NASA. Maryland's economy depends on money to keep cops on the street and fund NASA facilities like the Goddard Space Flight Center in Greenbelt, MD.

I also strongly oppose the inadequate funding levels for the Legal Services Corporation, which is the single largest funder of civil legal aid for low-income Americans. The bill funds the Legal Services Corporation at level that is $74 million below the President's request. The Obama Administration stated that tens of thousands of low-income Americans, including many military families and veterans, would be denied assistance with civil legal problems if these cuts are adopted. This would prevent them from receiving fair treatment in the courts. Our justice system should be open to everyone, not just those who can afford representation.

I also strongly object to the plethora of ideological policy riders added to the bill to hamstring the Obama Administration's efforts to reduce border violence, protect the environment and uphold civil rights protected under the U.S. Constitution. The bill prevents federal law enforcement's ability to investigate and curb gun trafficking along U.S. Mexican border. The bill prevents the Administration from continuing efforts to prevent overfishing and protecting our oceans and wildlife. The bill prevents the Department of Justice from challenging state voter suppression laws, state immigration laws that potentially violate the U.S. Constitution, and the ability for the federal government to offer federal benefits to legally married same-sex couples.

I hope my colleagues will join me in opposing this harmful legislation. I will monitor the progress of this bill in the Senate and conference. I am hopeful that future changes and improvements will give me a chance to vote on a more acceptable alternative.

CALLING FOR THE IMMEDIATE RELEASE OF HUMAN RIGHTS ACTIVISTS KIM YOUNG HWAN, YU JAE GIL, KANG SHIN SAM, AND LEE SANG YONG

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. DIAZ-BALART. Mr. Speaker, today I want to bring attention to the cases of four human rights activists who have dedicated themselves to pro-democracy efforts in North Korea. Kim Young Hwan, Yu Jae Gil, Kang Shin Sam, and Lee Sang Yong reportedly were arrested in Dalian, in Communist China, and remain imprisoned by Communist China's Ministry of State Security in the Liaoning Province, near the border with North Korea.

These human rights activists are in serious danger. Many fear that Kim in particular, once a North Korean regime insider who has become one of the most outspoken advocates for freedom and human rights for the North Korean people, has been subjected to harsh interrogation and even torture by Chinese state security or North Korean security thugs. Even while living in South Korea, he often suffered harassment and intimidation for his activism and work on NKnet by pro-North Korean sympathizers. As the Daily NK reported on May 16, 2012, if Kim was transported to the Sino-North Korean border to be interrogated by North Korean agents, ''then what is the difference between throwing a piece of meat to a dog and handing Kim to the North Korean National Security Agency, whose men come and go from Dandong as if it were their own house?''

The conditions of the other three activists are unknown because they have been denied consular access to representatives of South Korea, and they have been refused family and attorney visits as well. Like Kim, they were arrested on March 29, 2012 under Communist China's nebulous ''threat to national security'' edict, but further reasons for their detainment have not been provided. There are well-founded concerns that they have undergone harsh interrogations.

I commend the ''Committee for the Release of North Korean Human Rights Activist Kim Young Hwan'' for raising awareness of this critical human rights issue, and urge human rights advocates to press for the immediate release of these brave pro-democracy activists.

CONGRATULATIONS TO TAIWAN PRESIDENT MA YING-JEOU ON HIS SECOND INAUGURATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. COBLE. Mr. Speaker, May 20, 2012, marks Taiwan President Ma Ying-jeou's second and final inauguration. It is not only Taiwan's democracy that its citizens and the world will celebrate that day, but also Taiwan's economic achievements of the last 60 years.

Just as it was an early Asian proponent of democratic principles and ideals, Taiwan was also an early adapter and proponent of what is commonly today called globalization. Taiwan, Asia's first Economic Tiger, embraced market reforms in the 1950s and quickly launched some of the best known, and most efficient, original equipment manufacturers that came to serve many U.S. firms. Today, Taiwan is a technology powerhouse and the island is firmly entrenched in the top tier of developed world markets.

While many other markets have shown a disturbing tendency to turn inwards when global economic conditions get tough, Taiwan has consistently kept its trade and investment doors open. A founding member of the Asia Development Bank in 1966, Taiwan also joined the World Trade Organization (WTO) in 2001 and further acceded to the VVTO's Government Procurement Agreement in 2009.

Since his first inauguration in 2008, President Ma has steadily removed many of the longstanding trade and investment barriers to mainland China, positioning Taiwan as a global gateway to and from the so-called ''Greater China'' market. This new outlook culminated in the 2010 signing of the Economic and Cooperation Framework Agreement (ECFA) between Taiwan and mainland China. The ECFA benefits not only Taiwan firms and consumers, but aids U.S. interests by protecting intellectual property rights.

I encourage all of my colleagues in congratulating Taiwan President Ma on his inauguration, applaud Taiwan's many economic achievements since the 1950s, and support enhanced economic relations between the United States and Taiwan.

INTRODUCTION OF THE VOTER EMPOWERMENT ACT

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to introduce the Voter Empowerment Act, with 123 of my colleagues. The right to vote is precious, almost sacred. It is the most powerful non-violent tool we have in a democratic society. It controls everything we do from the time we're born until the moment we die. And that's why the leaders standing with me today believe voting should be simple, easy and accessible to every citizen.

But there are 51 million Americans who are not registered, and it's harder for them to register today than it was just one year ago. In this age of technology, our country is moving backward, not forward. Since the beginning of last year, 176 bills have been introduced in 41 states making it harder and more difficult for people to participate in the democratic process.

In the last election 3 million eligible voters showed up to the polls to vote and were turned away because of failures in our registration system. We need to do something about this. The Voter Empowerment Act represents the leadership of many members of the Democratic Caucus who believe we must include the voice of every American citizen.

The American people should be asking why there is not a bipartisan push to enable Americans to cast a ballot that will be counted. We must not be silent while leaders we elect take our voting rights away. The vote is the soul and the heart of the democratic process. People died for the right to vote, and some of them were people I knew. I hope we will not return to the days of overt discrimination before we decide to do something about it.

The Voter Empowerment Act modernizes the voter registration system in this nation. It helps voters with disabilities, members of the military and young people to fully access their right to vote and to have their vote counted. The bill restores the integrity of the voting system, by providing well-informed, well-trained poll workers who know the law, and ensuring that election officials don't have a vested interest in the outcome of political campaigns. It protects voters from deceptive practices and intimidation and prohibits voter caging. It will ensure that every vote is counted. The bill creates a national hotline so that problems are reported, corrected and prevented in real time, and it reauthorizes the Election Assistance Commission, the only agency with election administration expertise, to ensure the highest standards are being met nationwide.

Today with the introduction of the Voter Empowerment Act, we are making a major step. We are asking all of the American people and the press to pay attention to these problems because they are a threat to democracy as we know it.

I ask all members, from both sides of the aisle to join us in this effort to open up the democratic process to every American.

EXPRESSING SENSE OF HOUSE REGARDING IMPORTANCE OF PREVENTING IRAN FROM ACQUIRING A NUCLEAR WEAPONS CAPABILITY

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2012

Mr. VAN HOLLEN. Mr. Speaker, I rise as a cosponsor of H. Res. 568 to commend Chairman ROS-LEHTINEN and Ranking Member BERMAN for crafting this bi-partisan resolution and to urge my colleagues to support the bill.

As President Obama has made clear, it is unacceptable for Iran to develop a nuclear weapon. The U.N. Security Council has passed numerous resolutions demanding that Iran comply with the Nuclear Nonproliferation Treaty and suspend its nuclear enrichment activities. The IAEA has repeatedly found Iran to be in violation of the U.N. resolutions.

A nuclear-armed Iran would pose a grave threat to the State of Israel, a country the President of Iran has stated should ''be wiped off the map.'' A nuclear Iran would also trigger a nuclear-arms race in the Middle East that would further destabilize an already volatile region. It is in the national security interests of the United States to prevent Iran from obtaining nuclear weapons.

The economic sanctions imposed on Iran have succeeded in bringing the Iranians to the negotiating table in Istanbul. It remains to be seen whether the Iranians are simply engaged in stall-tactics or are willing to end their effort to produce weapons-grade nuclear material. I know the Obama Administration will insist on a verifiable agreement when talks resume later this month. This resolution should send a strong signal to the Iranian regime that Congress stands with President Obama on this critical matter.

SUPERVISORY SPECIAL AGENT D. DARELL DONES

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. BARLETTA. Mr. Speaker, I rise to congratulate D. Darell Dones, Supervisory Special Agent (SSA) at the Federal Bureau of Investigation (FBI), who will receive a doctorate degree in Biodefense Terrorism from George Mason University tonight, May 17, 2012.

For 23 years, SSA Dones has worked with the FBI. Seven years ago, he was assigned to the Behavioral Science Unit (BSU). As a criminal behaviorist, SSA Dones provides a criminal and behavioral consultation of extreme violent offenders to requesting law enforcement agencies. He is also responsible for teaching basic and advanced investigative techniques and courses concerning Psychosocial Behavior, Mindset, and Intelligence of Violent Street and Prison Gangs, Applied Psychology, and Violent Criminal Analysis. Most recently, SSA Dones participated in a series of seminars titled ''Operation Gang Up,'' in my district with me and Pennsylvania State Senator John Yudichak. SSA Dones plays a critical role in this community-led, anti-gang initiative.

SSA Dones' research interests include psychosocial behavior of radical extremists and violent criminals, including U.S.-based street and prison gangs. The dissertation for his doctorate degree broadly hypothesizes whether or not foreign terrorist groups are attempting to radicalize U.S. gangs into using weapons of mass destruction against American citizens and targets. SSA Dones' efforts are aimed at providing a more accurate account of the psychosocial mindset, behavior, and causation of violent criminal groups.

Mr. Speaker, I commend Supervisory Special Agent D. Darell Dones for his service to our community, and for his many years of service to our country and its continued safety.

HOUSE ARMED SERVICES COMMITTEE HEARING ON CHILD CUSTODY

Hon. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. TURNER of Ohio. Mr. Speaker, I submit the following letter.

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES,
Washington, DC, May 29, 2012.

Mr. LEON PANETTA,
Secretary of Defense,
Washington, DC.

DEAR SECRETARY PANETTA We appreciate your interest stated during the February 15, 2012 House Armed Services Committee (HASC) hearing in protecting child custody rights for our men and women in uniform.

As you know, legislative language addressing this issue has already passed the House of Representatives on six separate occasions. It has passed five times as part of the National Defense Authorization Act, every year from 2008 through 2012. Additionally, in 2008 this language passed the House as a standalone bill (HR 6048) by voice vote. Sixty members from both sides of the aisle signed on to HR 6048 as co-sponsors. Most recently, the bill was included in the Managers Package in the FY12 House NDAA and was supported by the Department of Defense (DoD).

Enclosed are letters of support that both Secretary Gates and Secretary Stanley provided for this legislation last year. Also enclosed is the 2010 HASC letter to Secretary Gates. As we move forward with the current legislative session, we look forward to the same level of support from the DoD in addressing this important issue and ensuring that our men and women in uniform have their parental rights protected.

Sincerely,

Michael Turner, Rob Andrews, Howard P. ''Buck'' McKeon, Chairman, Adam Smith, Ranking Member, Mac Thornberry, Vice Chairman, Roscoe G. Bartlett, Walter B. Jones, W. Todd Akin, J. Randy Forbes, Jeff Miller, Joe Wilson, Frank A. LoBiondo, John Kline, Mike Rogers and Trent Franks.

Bill Shuster, K. Michael Conaway, Doug Lamborn, Rob Wittman, Duncan Hunter, John C. Fleming, Mike Coffman, Thomas J. Rooney, Todd Russell Platts, Scott Rigell, Chris Gibson, Vicky Hartzler, Joe Heck, Bobby Schilling and Jon Runyan.

Austin Scott, Tim Griffin, Steve Palazzo, Allen West, Martha Roby, Mo Brooks, Todd Young, Silvestre Reyes, Loretta Sanchez, Mike McIntyre, Robert A. Brady, Susan A. Davis, James R. Langevin, Rick Larsen, Jim Cooper and Madeleine Z. Bordallo.

Joe Courtney, David Loebsack, Niki Tsongas, Chellie Pingree, Larry Kissell, Martin Heinrich, William L. Owens, John Garamendi, Mark Critz, Tim Ryan, C.A. Dutch Ruppersberger, Hank Johnson, Betty Sutton, Colleen Hanabusa, Kathleen C. Hochul, and Jackie Speier.

6TH ANNUAL D.C. LATINO PRIDE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in recognizing the 6th Annual D.C. Latino Pride, the national capital region's celebration of our gay, lesbian, bisexual and transgender (GLBT) Latino communities.

The Washington, D.C. metropolitan area has had an identifiable GLBT Latino community since the early 1960s. However, the community remained largely invisible until 1987, after the first LGBT March on Washington, D.C. D.C. Latino Pride's parent organization, The Latino Gay, Lesbian, Bisexual, and Transgender History Project, began in 2000. The organization grew out of a private archive kept since 1993 by its founder, José Gutierrez, who in turn organized the first D.C. Latino Pride in 2007.

It has been both a pleasure and an inspiration to watch D.C. Latino Pride grow from a panel discussion on the day before the annual Capital Pride parade, to this year's series of events between May 20 and June 7: La Corona, La Plática, La Misa, and La Fiesta. The four events incorporate the elements of D.C. Latino Pride's 2012 theme: ''History, Celebration, Identity, and Diversity.''

The volunteers who staff the Latino GLBT History Project and organize D.C. Latino Pride also embody the 2012 theme. Its President, David M. Pérez, is also the Director of Development of the League of United Latin American Citizens; José Gutierrez works at La Clínica del Pueblo and on the Mayor's GLBT Advisory Council; its Treasurer, Mannuel Cosme, is the C.F.O of the U.S. Hispanic Chamber of Commerce Secretary; Jorge Andres Sotos, is a civil rights attorney in private practice; Board Member Esther Hidalgo is a manager at Leslie Cashen Photography and a Library and Archives Assistant at the Franciscan Monastery of the Holy Land; 2012 Latino Pride Co-Chairs Sergio Lopez and Oskar Moran work, for People for the American Way and NASA's Aeronautics Research Mission Directorate-Aviation Safety Program Office, respectively; Development Chair, Raul Olivo, is a manager; and the immediate past Latino Pride Co-Chair, is a health educator and advocate for Transgender Health Empowerment.

I ask the House to join me in recognizing the 6th Annual D.C. Latino Pride, welcoming all those who will attend, and congratulating the volunteers for work well done.

PAYING TRIBUTE TO U.S. ARMY COLONEL RICHARD E. CROGAN

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of U.S. Army Colonel Richard E. Crogan. His dedication to soldiers as a leader, warrior, and innovator has had a profound and lasting effect on United States Army Aviation. As the Commander for the Aviation Center Logistics Command (ACLC), COL Crogan supported an Army at war by providing maintenance, sustainment and logistics support and proficient U.S. and Allied Aviation Officers.

COL Crogan was responsible for oversight and quality assurance on the largest aviation service support contract in the U.S. Army. He was tasked with maintaining 587 rotary wing aircraft, providing over 500 launches every day to support an ever increasing need for army aviation. COL Crogan was personally responsible for providing the aircraft required to professionally train aviators and provide the Army's next generation of great warriors. Aviation maintenance is an expensive proposition and COL Crogan's innovative leadership and creative solutions have shown a total cost savings during his command of more than $750,000,000.

COL Crogan's great leadership contributed significantly to the elimination of the flight training backlog at Fort Rucker which reduced the time aviators spent training from 22 months to 12 months. Aviators will now report to their units ten months earlier to begin missions and the Army will see enormous cost savings in a time of fiscal reduction. COL Crogan raises the bar for those around him, as demonstrated by ACLC winning the Army Chief of Staff Supply Excellence Award in 2011.

Therefore Mr. Speaker, I ask our colleagues to join me in honoring Colonel Richard E. Crogan's exceptional service, dedication and devotion to duty, leadership, and professional competency. He exemplifies the fine tradition of military service and reflects great credit upon himself, the Department of the Army, and the United States of America. May he know that his nation is greatly appreciative of his dedication and wishes him the best in all his future endeavors.

EXPRESSING SENSE OF HOUSE REGARDING IMPORTANCE OF PREVENTING IRAN FROM ACQUIRING A NUCLEAR WEAPONS CAPABILITY

SPEECH OF

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 2012

Mr. PASCRELL. Mr. Speaker, I rise in strong support of H. Res. 568, Expressing the sense of the House of Representatives regarding the importance of preventing the Government of Iran from acquiring a nuclear weapons capability. I reluctantly missed this vote due to a longstanding commitment to

give the commencement address at Passaic County Community College, in my district, but had I been present, I would have voted AYE.

I am a proud to co-sponsor this legislation. It is completely unacceptable to allow Iran to obtain nuclear weapons, and the government of Iran has isolated itself from the community of nations because of its refusal to negotiate or suspend its program. I have long supported strong sanctions on the Iranian regime to pressure them to abandon their nuclear program.

A nuclear Iran would pose an existential threat to Israel, our greatest ally in the Middle East. I have always been a strong supporter of Israel's right to exist and defend itself, and I believe that the nation of Israel truly shares the ideals of freedom and democracy with the United States. Additionally, as a state sponsor of terror, the possibility that Iranian nuclear weapons could fall into the wrong hands is all too real. This would greatly increase the chance that a nuclear weapon could be detonated anywhere in the world. For these reasons, we simply cannot afford to contain a nuclear armed Iran.

I commend the House of Representatives for passing this legislation by an overwhelming bipartisan majority, which demonstrates the incredible level of support in the United States Congress and among the American people for protecting Israel and preventing Iran from obtaining nuclear weapons or nuclear weapons capability.

MY PRESENT VOTE ON H. RES. 568

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I voted present today on H. Res. 568 because of my concern that it contains language that could create a blank check for war with Iran. As best said by Col. Lawrence Wilkerson, former Chief of Staff of Secretary of State Colin Powell, ''This resolution reads like the same sheet of music that got us into the Iraq War.'' This resolution threatens to undermine upcoming U.S.-Iran negotiations on May 23, 2012. While I am not disputing the fact that a nuclear-armed Iran would pose a serious threat to Israel and U.S. national security interests, I am concerned that the tone of this resolution could be used as fodder for future conflict.

While I am an ardent supporter of Israel and remain committed to supporting legislation that ensures their security, I urge my colleagues to support more balanced policies and diplomatic solutions as we enter into negotiations with Iran. As we struggle to get our economy back on track, we simply cannot afford the economic and social costs of another war.

A TRIBUTE TO DR. KAMEL FUAD MUAKKASSA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. BURTON of Indiana. Mr. Speaker, I rise today to pay tribute to the life of Dr. Kamel Fuad Muakkassa, a neurosurgeon whose passion, intellect and generosity changed the lives of everyone around him, died on Sunday at the age of 62.

Dr. Muakkassa's life was one dedicated to attending lives. A supremely skilled neurosurgeon, he had a zest for life so profound that it will live on in all those who had the privilege of knowing him. He was married to the love of his life, Rola Mansour for 27 years. He enjoyed spending time with his wife, his children and grandchildren, upon whom he imparted many of his best qualities, including his giving nature, his unique love of life, his humor and his wit. Dr. Muakkassa mastered an extraordinarily wide range of talents and insisted on sharing his expertise by teaching those around him. His passions included playing golf and backgammon, travel and international affairs. All of this was in addition to the undeniable impact of his life's work: his relentless clinical and humanitarian achievements in the world of neurosurgery.

As Primary Founder, President and CEO of The Center for Neuro and Spine Inc. (CNS) and former Chief of Pediatric Neurosurgery of Children's Hospital of Akron, Dr. Muakkassa was a Board Certified Neurological Surgeon who had been serving the community for over 27 years. He most recently co-founded Akron General's Neuroscience Institute in 2011, which focuses on the prevention, diagnosis, treatment and rehabilitations of the disorders of the brain, spine and peripheral nervous system. Dr. Muakkassa performed more than 8,000 neurosurgical procedures and treated over 10,000 patients and had the uniquely broad background of addressing both pediatric and adult spine, brain and peripheral neurological disorders. Dr. Muakkassa advanced the treatment options in his community by being the very first surgeon in Akron to perform an Anterior Cervical Diskectomy with Fusion and Plating. Thousands of these surgeries are now performed here annually. Additionally, Dr. Muakkassa was the first surgeon to perform cutting-edge awake surgery for treating epilepsy patients at Akron General Medical Center back in 1986. Other firsts include placing pumps or spinal electrodes for pain management and spasticity, vagal nerve stimulators for depression and seizures and untethering complex spina bifida tumors.

Dr. Muakkassa graduated from The American University of Beirut with a degree in Medicine in 1974. He went on to complete his residency in General Surgery where he served as Chief Resident. Dr. Muakkassa continued his education with a residency program in Neurosurgery at The Upstate Medical Center in New York where he was again elected Chief Resident. Pursuing his pediatric interests, Dr. Muakkassa studied Pediatric Neurology at Strong Memorial Hospital and completed his Pediatric Neurosurgery fellowship at the prestigious Hospital for Sick Children in Toronto where he served as Chief Fellow.

Dr. Muakkassa most recently served as Associate Clinical Professor in Neurosurgery at Northeastern Ohio Universities College of Medicine (presently NEOMED). He also served as Chief of the Neurosurgery division at Barberton Citizens Hospital and Mercy Medical Center. He is published in peer review journals and received multiple awards including the Summit County Award of Excellence for Outstanding Medical Services to the Community, Teacher of the Year Award and the award for medical services to the Bosnian war victims. He was also a member of the American Association of Neurological Surgeons (AANS), the Congress of Neurosurgeons (CNS), Summit County Medical Society, Ohio State Medical Association, International Society of Pediatric Neurosurgery, Ohio State Neurological Society and the Joint Section on Neuro-trauma and Critical Care of the American Association of Neurological Surgeons.

In addition to his professional accomplishments, Kamel devoted considerable time and resources to charitable organizations. Most notably, he was president of the Druze Orphans and Charitable Organization, which provides housing, education and healthcare to Lebanese children in need.

Dr. Muakkassa, survived by his wife, Rola; his son, Fuad; his daughter, Leila and grandchildren, will forever be an accomplished Doctor, philanthropist, husband, and father whose dedication to medicine, and selflessness will be carried through the legacy he has left in the field of medicine.

RECOGNIZING THE 90TH ANNIVERSARY OF TEMPLE ISRAEL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Ms. ROS-LEHTINEN. Mr. Speaker, tomorrow Temple Israel of Miami will be celebrating its 90th anniversary. Temple Israel is a pillar of the South Florida Jewish community. It is one of South Florida's oldest treasures and our community has truly been blessed over the years by its presence.

From the very beginning, Temple Israel's founders believed that they could create an organization that would make a positive change in the community. They sought to create bonds of loyalty within the international Jewish community, and within the South Florida community. For 90 years now, the Temple Israel congregation has consistently lived up to this purpose. The early leaders set a tradition to ''live Judaism'' by being actively engaged in local, national and world issues. Temple Israel's congregation continues to be among the most civically engaged members of our South Florida community.

The Temple Israel congregation has not only had a positive impact on the Jewish residents in South Florida, but also the community as a whole. From housing the Bridgeport Academy charter school that provides education for students from diverse backgrounds, to their tutoring and housing programs like the Dorothy Serotta Social Justice Forum program, Temple Israel's congregation is actively involved in the community year round. The members of Temple Israel's congregation are a shining example of ''Tikkun Olam.'' They carry on the Temple's legacy of courage, compassion, service, and inclusiveness.

I cannot thank Temple Israel enough for its leadership and positive impact as we celebrate its 90th anniversary. I look forward to seeing how the organization evolves as it continues to make a significant mark on our South Florida community.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

SPEECH OF

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes:

Mr. BARTLETT. Mr. Chair, I submit the following list of organizations supporting Amendment 8, the Bartlett/Flake Amendment:

American Council of Engineering Companies (ACEC)

Associated Builders and Contractors (ABC)

Associated General Contractors (AGC)

Business Coalition for Fair Competition (BCFC)

Construction Industry Round Table (CIRT)

Independent Electrical Contractors (IEC)

Merit Elevator Contractors Association of America (MECAA)

National Association of Women in Construction (NAWIC)

National Black Chamber of Commerce (NBCC)

National Federation of Independent Business (NFIB)

National Right to Work (NRTW)

National Taxpayers Union (NTU)

Small Business & Entrepreneurship Council (SBEC)

U.S. Chamber of Commerce

Women Construction Owners & Executives, USA (WCOE, USA)

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

SPEECH OF

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes:

Mr. MCKEON. Mr. Chair, I submit the following letters:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 11, 2012.

Hon. HOWARD P. ''BUCK'' MCKEON,
Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MCKEON: I write concerning H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013, as amended. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This, of course, is conditional on our mutual understanding that forgoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation which fall within the Committee's Rule X jurisdiction. I request you urge the Speaker to name members of the Committee to any conference committee named to consider such provisions.

Please place a copy of this letter and your response acknowledging our jurisdictional interest into the committee report on H.R. 4310 and into the Congressional Record during consideration of the measure on the House floor.

Sincerely,

JOHN L. MICA,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 2012.

Hon. JOHN MICA,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. I agree that the Committee on Transportation and Infrastructure has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Transportation and Infrastructure is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, May 11, 2012.

Hon. HOWARD ''BUCK'' MCKEON,
Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MCKEON: I am writing to you concerning the jurisdictional interest of the Committee on Financial Services in H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. The bill contains provisions that fall within the jurisdiction of the Committee on Financial Services under rule X of the Rules of the House of Representatives.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive the Committee on Financial Services' right to a sequential referral. I make this commitment with the mutual understanding that this will not prejudice the Committee on Financial Services with respect to its prerogatives on this or similar legislation. Further, it is our mutual understanding that the Committee on Financial Services be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any issues relating to the provisions that fall in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support of any such request.

Further, I appreciate your agreement to include this letter and a copy of your response acknowledging our jurisdictional interest on this matter in your committee report and in the Congressional Record during floor consideration of H.R. 4310.

Thank you for your attention to these matters.

Sincerely,

SPENCER BACHUS,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 2012.

Hon. SPENCER BACHUS,
Chairman, Committee on Financial Services, House of Representatives, Rayburn Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. I agree that the Committee on Financial Services has valid jurisdictional claims to a certain provision in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Financial Services is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, DC, May 11, 2012.

HON. HOWARD P. ''BUCK'' MCKEON,
Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MCKEON: I am writing to you concerning the jurisdictional interest of the Committee on Science, Space, and Technology in H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013.

Our Committee recognizes the importance of H.R. 4310 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I do not intend to request a sequential referral. This is, of course, conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces, or otherwise affects the jurisdiction of the Committee on Science, Space, and Technology.

Further, I request your support for the appointment of Science, Space, and Technology Committee conferees during any House-Senate conference convened on this and any similar legislation. I also ask that a copy of this letter and your response acknowledging our jurisdictional interest be placed in the legislative report on H.R. 4310 and the Congressional Record during consideration of this measure on the House floor.

I look forward to working with you on this important legislation.

Sincerely,

RALPH M. HALL,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 2012.

HON. RALPH HALL,
Chairman, Committee on Science, Space, and Technology, House of Representatives, Rayburn Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. I agree that the Committee on Science, Space, and Technology has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Science, Space, and Technology is not

waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 11, 2012

Hon. HOWARD ''BUCK'' MCKEON,
Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MCKEON: I am writing to you concerning the bill H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on Veterans' Affairs.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this committee's right to sequential referral. I do so with the understanding that by waiving consideration of the bill the Committee on Veterans' Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider such provisions.

Please place this letter into the committee report on H.R. 4310 and into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

JEFF MILLER,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 2012.

Hon. JEFF MILLER
Chairman, Committee on Veterans' Affairs, House of Representatives, Cannon Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. I agree that the Committee on Veterans' Affairs has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Veterans' Affairs is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, May 11, 2012.

HON. HOWARD ''BUCK'' MCKEON,
Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MCKEON: I am writing to you concerning the jurisdictional interest of the Committee on Natural Resources in matters being considered in H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013.

Our committee recognizes the importance of H.R. 4310 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I do not intend to request a sequential referral. Of particular note, in Section 28XX—Transfer of Administrative Jurisdiction, Fort Lee Military Reservation and Petersburg National Battlefield, Virginia, the Committee agrees only to a 1.7 acre land exchange. This waiver, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Committee on Natural Resources and that a copy of this letter and your response acknowledging our jurisdictional interest will be included in the Committee Report and as part of the Congressional Record during consideration of this bill by the House.

The Committee on Natural Resources also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Thank you for your consideration in this matter.

Sincerely,

DOC HASTINGS
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 2012.

HON. DOC HASTINGS,
Chairman, Committee on Natural Resources, House of Representatives, Longworth Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. I agree that the Committee on Natural Resources has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Natural Resources is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
Chairman.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 2012

Mr. PASCRELL. Mr. Speaker, I want to state for the record that on May 17, 2012, I missed several rollcall votes due to a long-standing commitment to give the commencement address at Passaic County Community College, in my district.

Had I been present I would have voted:

''Nay''—rollcall Vote No. 259—Motion on Ordering the Previous Question on the Rule providing for consideration of amendments to H.R. 4310.

''Nay''—rollcall Vote No. 260—H. Res. 661—Rule providing for further consideration of H.R. 4310—National Defense Authorization Act for Fiscal Year 2013.

''Aye''—rollcall Vote No. 261—H. Res. 568—Expressing the sense of the House of Representatives regarding the importance of preventing the Government of Iran from acquiring a nuclear weapons capability, as amended.

''Aye''—rollcall Vote No. 262—H.R. 5740—To extend the National Flood Insurance Program.

''Nay''—rollcall Vote No. 263—Rohrabacher (R–CA): Amendment No. 4—Prohibits funds made available by this Act from being used for assistance to Pakistan in fiscal year 2013.

While Pakistan has often not behaved as a good ally should, I do not believe it is in our national security interests to cut off all funding for military assistance and cooperation. It is an undeniable fact that we must work with the Pakistani government in order to keep our troops safe and supplied, and therefore cutting off all funding would not be prudent.

''Aye''—rollcall Vote No. 264—Lee (D–CA): Amendment No. 5—Limits the use of funds made available in this Act to only the withdrawal of all members of the Armed Forces and Department of Defense (DoD) contractors from Afghanistan.

I strongly support an accelerated drawdown of our troops from Afghanistan, where they have been fighting for far too long. While we must continue to help the Afghan people to build their country with humanitarian and diplomatic support, it is time for our troops to leave.

''Aye''—rollcall Vote No. 265—Connolly (R–VA): Amendment No. 6—Withholds funds from the Coalition Support Fund until the Secretary of Defense certifies that Pakistan has opened the Ground Lines of Communication, is allowing the transit of NATO supplies through Pakistan into Afghanistan, is supporting the retrograde of U.S. equipment out of Afghanistan.

I believe this amendment takes the correct approach by providing leverage to correct some of Pakistan's most egregious behavior while rewarding them for cooperation with our military efforts.

''No''—rollcall Vote No. 266—Rooney (R–FL): Amendment No. 7—Directs that foreign nationals suspected of terrorism be tried only by military commissions.

I do not believe we should be taking away the tool of our robust domestic court system from the President. Military commissions are often an appropriate venue, but our domestic courts have tried and convicted terrorists on numerous occasions and are often the best tool we have for trying and convicting those who seek to harm Americans.

''No''—rollcall Vote No. 267—Bartlett (R–MD): Amendment No. 8—Prevents the DoD from requiring contractors to enter into a project labor agreement (PLA) as a condition of winning a federal construction contract.

Project labor agreements are an important tool that our government uses for large scale construction jobs to ensure they are safe and efficient. They are often cheaper than not using PLAs and this amendment would impose an unnecessary mandate on our government.

''Yes''—rollcall Vote No. 269—Markey (D–MA): Amendment No. 11—Prohibits any funds made available by this Act, as well as any funds authorized and appropriated to the DoD through FY2023, from being used for the research, development, testing, and evaluation of a long–range penetrating bomber aircraft.

Our current bomber fleet is scheduled to be active for several more decades. This amendment will save $18 billion over the next ten years; funding could be better spent investing in our education, infrastructure and healthcare.

''Yes''—rollcall Vote No. 270—Polis (D–CO): Amendment No. 12—Reduces the funds authorized in this Act for the ground-based midcourse missile defense system by $403 million and would direct that amount to deficit reduction.

The GAO recommended this reduction, and the Pentagon has suspended this program

until the problem with the recent failed tests can be fixed. With our deficit so high and the need to invest in education, health care and infrastructure so great, we must find savings wherever they can be found, including the defense budget.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3243–S3294

Measures Introduced: Eleven bills and two resolutions were introduced, as follows: S. 3196–3206, and S. Res. 466–467. **Page S3280**

Measures Reported:

S. 676, to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes, with an amendment. (S. Rept. No. 112–166)

S. 2554, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2017, with an amendment in the nature of a substitute. **Page S3279**

Measures Passed:

Trooper Joshua D. Miller Post Office Building: Senate passed 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''. **Pages S3291–92**

Master Sergeant Daniel L. Fedder Post Office: Senate passed 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''. **Pages S3291–92**

Private Isaac T. Cortes Post Office: Senate passed H.R. 3413, 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''. **Pages S3291–92**

Post-Deployment/Mobilization Respite Absence Administrative Absence Days: Senate passed H.R. 4045, to modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date. **Page S3292**

Border Tunnel Prevention Act: Senate passed H.R. 4119, to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels. **Page S3292**

Sequoia and Kings Canyon National Parks Backcountry Access Act: Senate passed H.R. 4849, to direct the Secretary of the Interior to issue commercial use authorizations to commercial stock operators for operations in designated wilderness within the Sequoia and Kings Canyon National Parks, after agreeing to the following amendment proposed thereto: **Page S3292**

Reid (for Boxer/Feinstein) Amendment No. 2112, in the nature of a substitute. **Page S3292**

Measures Considered:

FDA User Fee—Cloture: Senate began consideration of the motion to proceed to consideration of S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars. **Pages S3243–48, S3252–71**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit. **Page S3252**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13047 of May 20, 1997, with respect to Burma; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–49) **Pages S3277–78**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaties:

Protocol Amending the Convention on Mutual Administrative Assistance in Tax Matters (Treaty Doc. No. 112–5);

The Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary (Treaty Doc. No. 112–6);

Convention on the Rights of Persons with Disabilities (Treaty Doc. No. 112–7); and

Tax Convention with Chile (Treaty Doc. No. 112–8).

The treaties were transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Pages S3292–93**

Watford Nomination—Cloture: Senate began consideration of the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit. **Page S3252**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, May 17, 2012, a vote on cloture will occur at approximately 5:30 on Monday, May 21, 2012. **Page S3293**

A unanimous-consent-time agreement was reached providing that at 4:30 p.m., on Monday, May 21, 2012, Senate resume consideration of the nomination, with one hour of debate equally divided and controlled in the usual form, and that upon the use or yielding back of time, Senate vote on the motion to invoke cloture on the nomination; And that if cloture is not invoked, Senate resume legislative session and vote on the motion to invoke cloture on the motion to proceed to consideration of S. 3187, FDA User Fee. **Page S3293**

Nominations Confirmed: Senate confirmed the following nominations:

By 70 yeas to 24 nays (Vote No. EX. 102), Jeremy C. Stein, of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2004. (Pursuant to the order of Wednesday, May 16, 2012, the nomination having achieved 60 affirmative votes, was confirmed.) **Pages S3248–51**

By 74 yeas to 21 nays (Vote No. EX. 103), Jerome H. Powell, of Maryland, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2000. (Pursuant to the order of Wednesday, May 16, 2012, the nomination having achieved 60 affirmative votes, was confirmed.) **Pages S3248–52**

Nominations Received: Senate received the following nominations:

Derek J. Mitchell, of Connecticut, to be Ambassador to the Union of Burma.

Matthew W. Brann, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

Malachy Edward Mannion, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

Gary Blankinship, of Texas, to be United States Marshal for the Southern District of Texas for the term of four years.

1 Army nomination in the rank of general.

1 Navy nomination in the rank of admiral.

A routine list in the Navy. **Pages S3293–94**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

A routine list in the Air Force. **Pages S3293–94**

Messages from the House: **Page S3278**

Measures Referred: **Page S3278**

Executive Communications: **Pages S3278–79**

Executive Reports of Committees: **Pages S3279–80**

Additional Cosponsors: **Pages S3280–81**

Statements on Introduced Bills/Resolutions: **Pages S3281–88**

Additional Statements: **Pages S3275–77**

Amendments Submitted: **Pages S3288–91**

Authorities for Committees to Meet: **Page S3291**

Privileges of the Floor: **Page S3291**

Record Votes: Two record votes were taken today. (Total—103) **Pages S3251–52**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 4:47 p.m., until 2 p.m. on Monday, May 21, 2012. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S3253.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: EUROPEAN COMMAND AND SPECIAL OPERATIONS COMMAND

Committee on Appropriations: Subcommittee on Department of Defense received a closed briefing on proposed budget estimates for fiscal year 2013 for European Command and Special Operations Command Programs from Admiral James G. Stavridis, USN, Supreme Allied Commander, Europe, and Commander, United States European Command, and Admiral William H. McRaven, Commander, United States Special Operations Command, both of the Department of Defense.

TSUNAMI GENERATED MARINE DEBRIS

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine the United States response to tsunami generated marine debris, after receiving testimony from David M. Kennedy, Assistant Administrator, Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce; and Rear Admiral Cari B. Thomas, Assistant Commandant for Response Policy, United States Coast Guard, Department of Homeland Security.

CLEAN ENERGY STANDARD ACT

Committee on Energy and Natural Resources: Committee concluded a hearing to examine S. 2146, to amend the Public Utility Regulatory Policies Act of 1978 to create a market-oriented standard for clean electric energy generation, after receiving testimony from David Sandalow, Assistant Secretary for Policy and International Affairs, and Howard Gruenspecht, Acting Administrator, U.S. Energy Information Administration, both of the Department of Energy; Collin O'Mara, Delaware Department of Natural Resources and Environmental Control Secretary, Dover; Karen Palmer, Resources for the Future, and Thomas J. Gibson, American Iron and Steel Institute, both of Washington, D.C.; Judi Greenwald, Center for Climate and Energy Solutions, Arlington, Virginia; Keith Trent, Duke Energy, Charlotte, North Carolina; and James A. Dickenson, JEA, Jacksonville, Florida.

SOCIAL SECURITY ADMINISTRATION

Committee on Finance: Committee concluded a hearing to examine the Social Security Administration, focusing on saving taxpayer dollars and serving the public, after receiving testimony from Michael J. Astrue, Commissioner, Social Security Administration.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Edward M. Alford, of Virginia, to be Ambassador to the Republic of The Gambia, Mark L. Asquino, of the District of Columbia, to be Ambassador to the Republic of Equatorial Guinea, Douglas M. Griffiths, of Texas, to be Ambassador to the Republic of Mozambique, and David J. Lane, of Florida, for the rank of Ambassador during his tenure of service as U.S. Representative to the United Nations Agencies for Food and Agriculture, who was introduced by Senator Nelson (FL), all of the Department of State, after the nominees testified and answered questions in their own behalf.

FULFILLING FEDERAL TRUST RESPONSIBILITY

Committee on Indian Affairs: Committee concluded an oversight hearing to examine fulfilling the Federal trust responsibility, focusing on the foundation of the government-to-government relationship, after receiving testimony from Melody McCoy, Native American Rights Fund (NARF), Boulder, Colorado; Matthew L.M. Fletcher, Michigan State University College of Law, East Lansing; Daniel I.S.J. Rey-Bear, Nordhaus Law Firm, LLP, Albuquerque, New Mexico; Ray Halbritter, Oneida Indian Nation, Verona, New York; Fawn Sharp, Quinault Indian Nation, Taholah, Washington; Brooklyn D. Baptiste, Nez Perce Tribal Executive Committee, Lapwai, Idaho; and Shenan Atcitty, Jicarilla Apache Nation, Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 2554, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2017, with amendments;

S. 2276, to permit Federal officers to remove cases involving crimes of violence to Federal court, with an amendment in the nature of a substitute; and

The nominations of David Medine, of Maryland, to be Chairman, James Xavier Dempsey, of California, Elisebeth Collins Cook, of Illinois, Rachel L. Brand, of Iowa, and Patricia M. Wald, of the District of Columbia, all to be a Member of the Privacy and Civil Liberties Oversight Board.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 33 public bills, H.R. 5793–5825; and 3 resolutions, H. Res. 662–664 were introduced. **Pages H3101–03**

Additional Cosponsors: **Page H3105**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Shimkus to act as Speaker pro tempore for today. **Page H2815**

Recess: The House recessed at 11:12 a.m. and reconvened at 12 noon. **Page H2823**

Chaplain: The prayer was offered by the guest chaplain, Reverend Dr. Ken Chroniger, Alfred Station Seventh Day Baptist Church, Alfred Station, New York. **Page H2823**

Moment of Silence: The House observed a moment of silence in honor of the men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and of all who serve in the armed forces and their families. **Page H2845**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on May 15th:

Expressing the sense of the House of Representatives regarding the importance of preventing the Government of Iran from acquiring a nuclear weapons capability: H. Res. 568, amended, to express the sense of the House of Representatives regarding the importance of preventing the Government of Iran from acquiring a nuclear weapons capability, by a 2/3 yea-and-nay vote of 401 yeas to 11 nays with 9 answering ''present'', Roll No. 261. **Page H2846**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated yesterday, May 16th:

National Flood Insurance Program Extension Act: H.R. 5740, to extend the National Flood Insurance Program, by a 2/3 yea-and-nay vote of 402 yeas to 18 nays, Roll No. 262. **Pages H2846–47**

National Defense Authorization Act for Fiscal Year 2013: The House resumed consideration of H.R. 4310, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2013. Further proceedings were postponed. **Pages H2827–3046, H3049–97**

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–22 shall be considered as an original bill for the purpose of amendment under the five-minute rule, in lieu of the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. **Page H2827**

Agreed to:

McKeon Manager's amendment (No. 1 printed in H. Rept. 112–485), as modified, that makes conforming changes in the bill; **Pages H2996–97**

McKeon en bloc amendment No. 1 that consists of the following amendments printed in H. Rept. 112–485: Landry amendment (No. 2) that specifies that the use of information collected via unmanned aerial vehicles by the U.S. Department of Defense may not be used as evidence in a court of law against an individual without first having a warrant issued; Hanna amendment (No. 13) that requires the Secretary of Defense to report to Congress on Air Force cyber operations research, science, and technology plans and capabilities; Bishop (UT) amendment (No. 14) that clarifies Section 322 on Military Industrial Depot Policy to ensure that core workloads completed at government military industrial depots include critical supply chain management and management expertise; Gallegly amendment (No. 15) that creates Military Readiness Areas off the California coast to allow the U.S. Navy to continue exercises and testing while allowing for the expansion of the southern sea otter into these Navy testing areas; Hayworth amendment (No. 16) that expresses the Sense of Congress that the DoD should not convert the performance of any function from performance by a contractor to performance by DoD civilian employee unless the function is inherently governmental in nature; Pingree amendment (No. 21) that adds a Sense of Congress that Military Sexual Trauma (MST) continues to be a significant problem within the DoD and many victims of MST suffer from Post Traumatic Stress Disorder; Bishop (NY) amendment (No. 23) that expresses the sense of Congress that the remains of crewmen from the George 1 seaplane should be recovered from Thurston Island, Antarctica; Petri amendment (No. 25) that compensates certain military personnel who were prevented from using extra leave time, which was earned through multiple or extended deployments overseas as part of the Post-Deployment/Mobilization Respite Absence program, due to a government error; Israel amendment (No. 27) that authorizes a pilot program on enhancements of DoD efforts on

mental health in the National Guard and Reserves through public-private partnerships; Posey amendment (No. 28) that directs the Secretary of Defense to work with non-Federal entities and accept non-Federal funding under strict implementation guidelines to promote efficiencies of the space transportation infrastructure of the DoD in commercial space activities; Bishop (NY) amendment (No. 40) that honors the service of Air Raid Wardens and all other Americans who volunteered for service for the United States Office of Civilian Defense during World War II; Ellison amendment (No. 43) that prohibits the authorization of Defense Department funds for tear gas and other riot control items to Middle East and North African countries undergoing democratic transition unless the Secretary of Defense certifies to the appropriate Congressional committees that the security forces of such countries are not using excessive force to repress peaceful, lawful and organized dissent; Turner (OH) amendment (No. 57) that amends sections 3115 and 3202 to clarify that ensuring ''adequate protection'' is the applicable nuclear safety standard for defense nuclear facilities; that nuclear safety policies, regulations, analysis, and recommendations should be risk-based; and that nothing in these sections shall be construed to require a reduction in nuclear safety standards; Chu amendment (No. 74) that requires the DoD to provide an annual report to Congress on the prevalence of hazing and what actions they have taken to respond to and prevent hazing; Slaughter amendment (No. 83) that requires the DoD to conduct an educational campaign regarding the Board of Correction for Military Records as an avenue for relief in cases where a current or former member of the Armed Forces has experienced retaliatory personnel actions for making a report of sexual assault or sexual harassment; Larsen (WA) amendment (No. 95) that requires an assessment and report relating to infrared technology sectors; Murphy (CT) amendment (No. 97) that gives manufacturers the opportunity to provide information to the DoD regarding how their bid for a contract will affect domestic employment; Larsen (WA) amendment (No. 102) that requires reports on the costs of maintaining and modernizing the nuclear deterrent; Lewis (GA) amendment (No. 107) that requires the Secretary of Defense to post the cost of the wars in Afghanistan and Iraq to each American taxpayer on the DoD's website; and Smith (WA) amendment (No. 126) that removes commercial satellites and related components from the United States munitions list; **Pages H2997–H3008**

McKeon en bloc amendment No. 2 that consists of the following amendments printed in H. Rept. 112–485: Flake amendment (No. 33) that requires the DoD to compile a report describing written communications to the Department from Congress regarding military construction projects on the future years defense program; Grimm amendment (No. 36) that amends the 2003 NDAA to increase the number of authorized Weapon of Mass Destruction Civil Support Teams within the Army National Guard from 55 to 57; Bordallo amendment (No. 65) that codifies the role and missions that the National Guard can perform under the State Partnership Program (SPP); Altmire amendment (No. 66) that requires the DoD to conduct a report to Congressional defense committees on the feasibility of providing market-rate or below-market-rate telecommunications services to uniformed personnel transiting through foreign airports to and from deployment overseas, and investigate allegations of telecom companies specifically targeting military personnel in transit with above-market-rate fees; Welch amendment (No. 75) that provides for coordination between Small Business Development Centers and Yellow Ribbon Reintegration Program for the purpose of providing assistance to program recipients interested in starting a business; Boswell amendment (No. 85) that directs the Secretary of Defense to submit a report on the effects of multiple deployments on the well-being of military personnel; Boswell amendment (No. 89) that directs the DoD and VA to conduct a joint study on the incidence rate of breast cancer in service members and veterans; DeLauro amendment (No. 93) that prohibits the Defense Department from awarding a contract to supply helicopters to the Afghan Security Forces, directly or indirectly, to any entity controlled, directed or influenced by a state that has supplied weapons to Syria or a state-sponsor of terrorism; Welch amendment (No. 98) that requires the Army, Navy and Air Force to report to Congress on the progress of entering into Energy Savings Performance Contracts for the purpose of undergoing energy efficiency retrofits on military installations; Holt amendment (No. 100) that creates a National Language Service Corps to create a pool of personnel with foreign language skills upon whom the Department or other Federal agencies can call upon as needed; Holt amendment (No. 104) that creates a Federal Mortuary Affairs Advisory Commission, modeled on the 9/11 Commission, in response to the Dover Port Mortuary scandal; Welch amendment (No. 124) that requires the DoD to report to Congress on the sustainability of any large scale infrastructure project built in Afghanistan; Flake amendment (No. 127) that requires that, pursuant to the authorizations in Title XV, any funds appropriated to an Overseas Contingency Operations Transfer Fund be used only to fund items or activities requested by the President for overseas contingency

operations; and Hunter amendment (No. 128) that extends the authority for the use of the Joint Improvised Explosive Devise Defeat Fund to enable better protection for deployed U.S. forces from improvised explosive devices; **Pages H3026–33**

Connolly amendment (No. 6 printed in H. Rept. 112–485) that withholds funds from the Coalition Support Fund until the Secretary of Defense certifies that Pakistan has opened the Ground Lines of Communication, is allowing the transit of NATO supplies through Pakistan into Afghanistan, and is supporting the retrograde of U.S. equipment out of Afghanistan (by a recorded vote of 412 ayes to 1 no, Roll No. 265); **Pages H3014–15, H3035**

Rooney amendment (No. 7 printed in H. Rept. 112–485) that directs the Department of Defense to hold detainee trials in the US Facility at Guantanamo Bay, Cuba, and not in the United States (by a recorded vote of 249 ayes to 171 noes, Roll No. 266); **Pages H3015–17, H3035–36**

Bartlett amendment (No. 8 printed in H. Rept. 112–485) that prevents Federal agencies from requiring contractors to sign an anti-competitive and costly project labor agreement (PLA) as a condition of winning a Federal construction contract (by a recorded vote of 211 ayes to 209 noes, Roll No. 267); **Pages H3017–19, H3036–37**

Wittman amendment (No. 24 printed in H. Rept. 112–485) that establishes a uniformed military Chain of Command for Army National Military Cemeteries and requires that upon the completion of the tenure of the current civilian director, the director position will be filled by a commissioned officer in the United States Military; **Pages H3056–57**

McKeon en bloc amendment No. 3 that consists of the following amendments printed in H. Rept. 112–485: Brown (FL) amendment (No. 35) that authorizes remediation of a navigational hazard endangering cargo and military vessels and affecting economic development in the region; Baca amendment (No. 37) that reduces the DoD strategic environmental research development program by $4 million and authorizes the US geological survey to conduct a study of water resources and perchlorate contamination in the Rialto-Colton Basin; Granger amendment (No. 44) that provides Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China; Carson amendment (No. 60) that requires the DoD to conduct a survey of all service members deployed since September 11, 2001 to determine what personal safety equipment was not provided by the military and what equipment was purchased by the service member, family, or someone else; Smith (WA) amendment (No. 63) that provides the authority for a Secretary of a military department to enter into cooperative agreements with Indian Tribes for land management associated with military installations and state-owned National Guard installations; Cravaack amendment (No. 69) that provides for a sense of Congress that fighter wings performing the 24-hour Aerospace Control Alert mission provide an essential service in defending the sovereign airspace of the United States in the aftermath of the terrorist attacks on September 11, 2001; Cummings amendment (No. 71) that adds the Coast Guard to sections 507 and 535 of the bill, which require the Secretary of Defense to develop plans to expand diversity and prevent and track hazing; Thompson (CA) amendment (No. 80) that provides for the advancement of Brigadier General Charles E. Yeager, United States Air Force (Retired), on the retired list; Smith (WA) amendment (No. 84) that establishes a Sexual Assault Oversight Council to provide independent oversight of the DoD as it implements sexual assault policies and laws to prevent and prosecute sexual assault in the Armed Forces; Terry amendment (No. 86) that amends title 4, United States Code, to authorize members of the Armed Forces not in uniform and veterans to render a military salute during the recitation of the Pledge of Allegiance; Carson amendment (No. 87) that requires the DoD to provide mid-deployment mental health screenings to service members deployed in combat zones; Jackson Lee (TX) amendment (No. 91) that directs the DoD Office of Health to work in collaboration with the National Institutes of Health to provide resources to identify specific genetic and molecular targets and biomarkers for Triple Negative Breast Cancer (TNBC); Rivera amendment (No. 94) that prohibits any procurement contracts with any persons that have business operations with a state sponsor of terrorism; Meehan amendment (No. 109) that requires the Department of State to make a determination on whether or not Boko Haram meets the criteria to be designated a Foreign Terrorist Organization (FTO); Pompeo amendment (No. 110) that expresses the Sense of Congress on the occasion of Air Mobility Command's 20th anniversary; Quayle amendment (No. 117) that adds a new element at the end of Section 2867 (d)(1) of the National Defense Authorization Act for Fiscal Year 2012 that the report also include progress updates on consolidation goals and cost savings achieved during the preceding fiscal year; Jackson Lee (TX) amendment (No. 130) that requires the Secretary of Defense to conduct an assessment to determine whether the DoD has carried out sufficient outreach programs to assist minority and women-owned small business; Tsongas amendment (No. 137) that provides that the Secretary of the Air Force may enter into discussions with the

Massachusetts Institute of Technology for a project to improve and modernize the Lincoln Laboratory complex at Hanscom Air Force Base; and Cummings amendment (No. 140) that requires notification to Congress and publication on the Internet of information pertaining to the issuance of waivers to allow non-Jones Act qualified vessels to carry cargo between points in the United States; **Pages H3061–67**

Gingrey amendment (No. 39 printed in H. Rept. 112–485) that expresses the sense of Congress that active military personnel that either live in or are stationed in Washington, DC would be exempt from existing District of Columbia firearms restrictions; **Pages H3073–75**

Lamborn amendment (No. 50 printed in H. Rept. 112–485) that limits the availability of funds for Cooperative Threat Reduction activities with Russia until the Secretary of Defense can certify that Russia is no longer supporting the Syrian regime and is not providing to Syria, North Korea or Iran any equipment or technology that contributes to the development of weapons of mass destruction; **Pages H3085–86**

Petri amendment (No. 52 printed in H. Rept. 112–485) that clarifies that direct use solar energy technology is considered a renewable energy source for the purposes of the requirement that DoD obtain 25% of its facility energy from renewable sources by 2025; and **Pages H3092–93**

Bartlett amendment (No. 53 printed in H. Rept. 112–485) that requires a report from the US Marine Corps regarding the proposed transfer of land from the Bureau of Land Management to the U.S. Marine Corps for the expansion of 29 Palms for a Training Range Facility. **Pages H3093–94**

Rejected:

Kucinich amendment (No. 3 printed in H. Rept. 112–485) that sought to prohibit the Joint Special Operations Command from conducting ''signature'' drone strikes, drone strikes against targets whose identity is not known or based solely on patterns of behavior of this target; **Pages H3008–09**

Conyers amendment (No. 9 printed in H. Rept. 112–485) that sought to terminate the F–35B aircraft program. Would have authorized the Secretary to procure an additional number of F/A–18E or F/A–18F aircraft to replace the F–35B aircraft; **Pages H3019–21**

Quigley amendment (No. 10 printed in H. Rept. 112–485) that sought to eliminate funds available for procurement of the V–22 Osprey aircraft, and put the savings toward deficit reduction; **Pages H3021–22**

Rohrabacher amendment (No. 4 printed in H. Rept. 112–485) that sought to prohibit the availability of funds for assistance to Pakistan in fiscal year 2013 (by a recorded vote of 84 ayes to 335 noes, Roll No. 263); **Pages H3009–11, H3033–34**

Lee amendment (No. 5 printed in H. Rept. 112–485) that sought to end the war in Afghanistan by limiting funding to the safe and orderly withdrawal of U.S. troops and military contractors from Afghanistan (by a recorded vote of 113 ayes to 303 noes, Roll No. 264); **Pages H3011–14, H3034–35**

Markey amendment (No. 11 printed in H. Rept. 112–485) that sought to delay the development of the new long-range nuclear-capable bomber by ten years and the funding in the bill would be reduced by $291,742,000, which is the amount planned for this bomber (by a recorded vote of 112 ayes to 308 noes, Roll No. 268); and **Pages H3022–24, H3037**

Polis amendment (No. 12 printed in H. Rept. 112–485) that sought to reduce the amount for the ground-based midcourse missile defense system by $403 million (by a recorded vote of 165 ayes to 252 noes, Roll No. 269). **Pages H3024–26, H3037–38**

Withdrawn:

Carnahan amendment (No. 51 printed in H. Rept. 112–485) that was offered and subsequently withdrawn that would have integrated duplicative functions related to contingency operation planning, management, and oversight, which are currently spread over several U.S. Departments and Agencies, into the U.S. Office for Contingency Operations (OCO). **Pages H3086–92**

Proceedings Postponed:

Coffman amendment (No. 17 printed in H. Rept. 112–485) that seeks to reintroduce competition to the contracting of government services and repeal the moratorium on A–76 procedures; **Pages H3049–51**

Keating amendment (No. 18 printed in H. Rept. 112–485) that seeks to freeze the transfer, reduction or elimination of Air National Guard units supporting an Air and Space Operations Center or an Air Force Forces Staff until the impact of the unit's loss and certain other information is provided to Congress; **Pages H3051–53**

Broun (GA) amendment (No. 19 printed in H. Rept. 112–485) that seeks to eliminate the maximum age limitation for individuals seeking to enlist in the U.S. military, provided they meet all of the other current qualifications for enlistment; **Pages H3053–54**

Carson amendment (No. 20 printed in H. Rept. 112–485) that seeks to prohibit military promotion boards from considering any information from official documents, word of mouth, or in writing on the pursuit of treatment or counseling for mental health or addiction issues and to require the information on this prohibition to be promulgated to current service members; **Pages H3054–56**

Cummings amendment (No. 26 printed in H. Rept. 112–485) that seeks to expand the protections under the Servicemembers Civil Relief Act (SCRA) to include servicemembers serving in a contingency operation, surviving spouses of servicemembers whose deaths are service-connected, and veterans who are totally disabled at the time of discharge; and to repeal the sunset provision that is set to expire at the end of this year and increases fines for violations of the SCRA; **Pages H3057–59**

Sablan amendment (No. 29 printed in H. Rept. 112–485) that seeks to amend 10 U.S.C. 7310(a) to include the Northern Mariana Islands as an eligible location, in addition to the United States and Guam, for the overhaul, repair and maintenance of naval vessels and other vessels under the jurisdiction of the Secretary of the Navy; **Pages H3059–61**

Johnson (GA) amendment (No. 30 printed in H. Rept. 112–485) that seeks to include a finding stating that the deployment of tactical nuclear weapons to South Korea would destabilize the Western Pacific region and would not be in the national security interests of the United States; **Pages H3067–68**

Johnson (GA) amendment (No. 31 printed in H. Rept. 112–485) that seeks to require the Secretary of Defense and the Chairman of the Joint Chiefs to report to Congress regarding whether nuclear weapons reductions pursuant to the New START Treaty are in the national security interests of the United States; **Pages H3068–70**

Price (GA) amendment (No. 32 printed in H. Rept. 112–485) that seeks to prohibit the President from making unilateral reductions to U.S. nuclear forces; **Pages H3070–71**

Rigell amendment (No. 38 printed in H. Rept. 112–485) that seeks to replace the pending sequester of discretionary spending for fiscal year 2013 and replaces it by reducing the discretionary spending limit for that year so that it conforms with the concurrent resolution on the budget deemed in force in the House, but this replacement is contingent upon the enactment of spending reductions over five years of at least the amount of the sequester it supplants; and to also require a detailed report on the impact of the sequestration of funds authorized and appropriated for Fiscal Year 2013 for the Department of Defense; **Pages H3071–73**

Lee amendment (No. 42 printed in H. Rept. 112–485) that seeks to limit Department of Defense funding to the amount authorized under the Budget Control Act of 2011, resulting in an $8 billion reduction in spending from the level authorized by the House Armed Services Committee; **Pages H3075–76**

Gohmert amendment (No. 45 printed in H. Rept. 112–485) that seeks to clarify that the FY 2012 National Defense Authorization Act and the 2001 Authorization for Use of Military Force (AUMF) do not deny the writ of habeas corpus or deny any Constitutional rights for persons detained in the United States under the AUMF who are entitled to such rights; **Pages H3076–78**

Smith (WA) amendment (No. 46 printed in H. Rept. 112–485) that seeks to strike section 1022 of the FY2012 NDAA and amends Section 1021 of same Act to eliminate indefinite military detention of any person detained under AUMF authority in U.S., territories or possessions by providing immediate transfer to trial and proceedings by a court established under Article III of the Constitution of the United States or by an appropriate State court; **Pages H3078–81**

Duncan (SC) amendment (No. 47 printed in H. Rept. 112–485) that seeks to limit funds authorized to be appropriated by this Act to any institution or organization established by the Convention on the Law of the Sea, including the International Seabed Authority, the International Tribunal for the Law of the Sea, and the Commission on the Limits of the Continental Shelf; **Page H3081**

Coffman amendment (No. 48 printed in H. Rept. 112–485) that seeks to authorize the President to remove all Brigade Combat Teams that are permanently stationed in Europe and replace them with a rotational force; **Pages H3081–83**

Lee amendment (No. 49 printed in H. Rept. 112–485) that seeks to appoint a Special Envoy for Iran to ensure that all diplomatic avenues are pursued to avoid a war with Iran and to prevent Iran from acquiring a nuclear weapon; **Pages H3083–85**

Franks (AZ) amendment (No. 54 printed in H. Rept. 112–485) that seeks to limit the availability of funds for nuclear nonproliferation activities with the Russian Federation; and **Pages H3094–95**

Pearce amendment (No. 55 printed in H. Rept. 112–485) that seeks to strike section 3156 from the bill. **Pages H3095–97**

H. Res. 661, the rule providing for further consideration of the bill, was agreed to by a recorded vote of 244 ayes to 178 noes, Roll No. 260, after the previous question was ordered by a yea-and-nay vote of 236 yeas to 182 nays, Roll No. 259. **Pages H2827–46**

A point of order was raised against the consideration of H. Res. 661 and it was agreed to proceed with consideration of the resolution by voice vote. **Pages H2827–28**

Motion to Instruct Conferees: The House debated the Representative Barrow motion to instruct conferees on H.R. 4348. Further proceedings were postponed. **Pages H3038–44**

Motion to Instruct Conferees: The House debated the Representative Rahall motion to instruct conferees on H.R. 4348. Further proceedings were postponed. **Pages H3044–49**

Presidential Message: Read a message from the President wherein he notified Congress that the national emergency declared with respect to Burma is to continue in effect beyond May 20, 2012—referred to the Committee on Foreign Affairs and ordered to be printed (H. Rept. 112–110). **Pages H2826–27**

Senate Message: Message received from the Senate today appears on page H3022.

Quorum Calls—Votes: Three yea-and-nay votes and eight recorded votes developed during the proceedings of today and appear on pages H2844–45, H2845–46, H2846, H2846–47, H3033–34, H3034–35, H3035, H3035–36, H3036–37, H3037, H3037–38. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 1:32 a.m. on Friday, May 18th.

Committee Meetings

FORMULATION OF THE 2012 FARM BILL: COMMODITY PROGRAMS AND CROP INSURANCE

Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management held a hearing entitled ''Formulation of the 2012 Farm Bill: Commodity Programs and Crop Insurance''. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURE

Committee on Appropriations: Full Committee held a markup of Defense Appropriations Bill for FY 2013. The bill was ordered reported, as amended.

MISCELLANEOUS MEASURE

Committee on Appropriations: Full Committee held a markup of State, Foreign Operations, and Related Programs Appropriations Bill for FY 2013. The bill was ordered reported, as amended.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Full Committee held a markup of H.R. 4471, the ''Gasoline Regulations Act of 2012''; and H.R. 4480, the ''Strategic Energy Production Act of 2012''. H.R. 4471 was ordered reported, without amendment and H.R. 4480 was ordered reported, as amended.

EXAMINING THE SETTLEMENT PRACTICES OF U.S. FINANCIAL REGULATORS

Committee on Financial Services: Full Committee held a hearing entitled ''Examining the Settlement Practices of U.S. Financial Regulators''. Testimony was heard from Scott Alvarez, General Counsel, Board of Governors, Federal Reserve System; Robert Khuzami, Director, Division of Enforcement, U.S. Securities and Exchange Commission; Richard J. Osterman, Jr., Deputy General Counsel, Litigation and Resolutions Branch, Federal Deposit Insurance Corporation; Daniel P. Stipano, Deputy Chief Counsel, Office of the Comptroller of the Currency, William F. Galvin, Secretary, Commonwealth of Massachusetts; and public witnesses.

U.S. INSURANCE SECTOR: INTERNATIONAL COMPETITIVENESS AND JOBS

Committee on Financial Services: Subcommittee on Insurance, Housing and Community Opportunity held a hearing entitled ''U.S. Insurance Sector: International Competitiveness and Jobs''. Testimony was heard from Michael T. McRaith, Director, Federal Insurance Office, Department of the Treasury; and public witnesses.

IRAN SANCTIONS: STRATEGY, IMPLEMENTATION, AND ENFORCEMENT

Committee on Foreign Affairs: Full Committee held a hearing entitled ''Iran Sanctions: Strategy, Implementation, and Enforcement''. Testimony was heard from public witnesses.

TRANS-PACIFIC PARTNERSHIP AGREEMENT: CHALLENGES AND POTENTIAL

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation, and Trade; and Subcommittee on Asia and the Pacific held a joint hearing entitled ''The Trans-Pacific Partnership Agreement: Challenges and Potential''. Testimony was heard from public witnesses.

CUBA'S GLOBAL NETWORK OF TERRORISM, INTELLIGENCE, AND WARFARE

Committee on Foreign Affairs: Subcommittee on the Western Hemisphere held a hearing entitled ''Cuba's Global Network of Terrorism, Intelligence, and Warfare''. Testimony was heard from public witnesses.

DEPARTMENT OF HOMELAND SECURITY: AN EXAMINATION OF ETHICAL STANDARDS

Committee on Homeland Security: Subcommittee on Oversight, Investigations, and Management held a hearing entitled ''Department of Homeland Security: An Examination of Ethical Standards''. Testimony was heard from the following Department of Homeland Security officials: Charles K. Edwards, Acting Inspector General; Thomas S. Winkowski, Acting

Deputy Commissioner, Customs and Border Protection; James G. Duncan, Assistant Administrator, Office of Professional Responsibility, Transportation Security Administration; and Timothy Moynihan, Assistant Director, Office of Professional Responsibility, Immigration and Customs Enforcement.

LEGISLATIVE MEASURE

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 2168, the "Geolocational Privacy and Surveillance Act". Testimony was heard from public witnesses.

LEGISLATIVE MEASURE

Committee on the Judiciary: Subcommittee on Immigration Policy and Enforcement held a hearing on H.R. 3039, the "Welcoming Business Travelers and Tourists to America Act of 2011". Testimony was heard from Representative Heck and public witnesses.

LEGISLATIVE MEASURE

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H.R. 3803, the "District of Columbia Pain-Capable Unborn Child Protection Act". Testimony was heard from public witnesses.

LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs held a hearing on H.R. 3065, the "Target Practice and Marksmanship Training Support Act"; and H.R. 3706, to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes. Testimony was heard from Representative Shuler; Anthony M. Babauta, Assistant Secretary of the Interior for Insular Affairs, Department of the Interior; Gordon Myers, Executive Director, North Carolina Wildlife Resources Commission; and public witnesses.

LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 1103, the "American Memorial Park Tinian Annex Act"; H.R. 3100, the "San Antonio Missions National Historical Park Boundary Expansion Act"; H.R. 3365, the "Federal Land Transaction Facilitation Act Reauthorization of 2011"; H.R. 4400, the "Thomas P. O'Neill, Jr. Salt Pond Visitor Center"; and S. 270, the "La Pine Land Conveyance Act". Testimony was heard from Representatives Canseco; Lummis; Sablan; and Walden; Mike Pool, Deputy Director, Bureau of Land Management, Department of the Interior; Victor Knox, Associate Director for Park and Planning, Facilities and Lands, National Park Service, Department of the Interior; Pamela Watson Bain, Chairman Los Compadres de San Antonio Missions, and a public witness.

WORKING FOR A FIRE SAFE AMERICA: EXAMINING UNITED STATES FIRE ADMINISTRATION PRIORITIES

Committee on Science, Space, and Technology: Subcommittee on Technology and Innovation held a hearing entitled "Working for a Fire Safe America: Examining United States Fire Administration Priorities". Testimony was heard from Ernest Mitchell, Jr., Administrator, United States Fire Administration; and public witnesses.

SUPPORTING ECONOMIC GROWTH AND JOB CREATION THROUGH CUSTOMS TRADE MODERNIZATION, FACILITATION, AND ENFORCEMENT

Committee on Ways and Means: Subcommittee on Trade held a hearing entitled "Supporting Economic Growth and Job Creation Through Customs Trade Modernization, Facilitation, and Enforcement". Testimony was heard from David Aguilar, Acting Commissioner, Customs and Border Protection, Department of Homeland Security; Kumar Kibble, Deputy Director, Immigration and Customs Enforcement, Department of Homeland Security; Timothy Skud, Deputy Assistant Secretary for Tax, Trade and Tariff Policy, Department of the Treasury; and public witnesses.

STATE TANF SPENDING AND ITS IMPACT ON WORK REQUIREMENTS

Subcommittee on Human Resources held a hearing entitled "State TANF Spending and Its Impact on Work Requirements". Testimony was heard from Kay E. Brown, Director, Education, Workforce, and Income Security, Government Accountability Office; Carol Cartledge, Director, Economic Assistance Policy Division, North Dakota Department of Human Services; and public witnesses.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2013; AND ISR REPORT

House Permanent Select Committee on Intelligence: Full Committee held a hearing entitled "Intelligence Authorization Act for Fiscal Year 2013"; and "Committee Report: Performance Audit of Defense Intelligence Surveillance, and Reconnaissance (ISR)". The "Intelligence Authorization Act for Fiscal Year 2013" was ordered reported, as amended; and the "Committee Report: Performance Audit of Defense Intelligence Surveillance, and Reconnaissance" was approved.

Joint Meetings

UKRAINE'S ELECTIONS

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine Ukraine's upcoming elections, focusing on political parties, civil society and domestic observers ahead of the elections, the electoral framework, as well as the broader political context, after receiving testimony from David J. Kramer, Freedom House, Stephen B. Nix, International Republican Institute, Katie Fox, National Democratic Institute, and Gavin Weise, International Foundation for Electoral Systems, all of Washington, D.C.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D346)*

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''. Signed on May 15, 2012. (Public Law 112–107)

H.R. 1423, to designate the facility of the United States Postal Service located at 115 4th Avenue Southwest in Ardmore, Oklahoma, as the ''Specialist Micheal E. Phillips Post Office''. Signed on May 15, 2012. (Public Law 112–108)

H.R. 2079, to designate the facility of the United States Postal Service located at 10 Main Street in East Rockaway, New York, as the ''John J. Cook Post Office''. Signed on May 15, 2012. (Public Law 112–109)

H.R. 2213, to designate the facility of the United States Postal Service located at 801 West Eastport Street in Iuka, Mississippi, as the ''Sergeant Jason W. Vaughn Post Office''. Signed on May 15, 2012. (Public Law 112–110)

H.R. 2244, to designate the facility of the United States Postal Service located at 67 Castle Street in Geneva, New York, as the ''Corporal Steven Blaine Riccione Post Office''. Signed on May 15, 2012. (Public Law 112–111)

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''. Signed on May 15, 2012. (Public Law 112–112)

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''. Signed on May 15, 2012. (Public Law 112–113)

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''. Signed on May 15, 2012. (Public Law 112–114)

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''. Signed on May 15, 2012. (Public Law 112–115)

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''. Signed on May 15, 2012. (Public Law 112–116)

H.R. 3247, to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the ''Lance Corporal Matthew P. Pathenos Post Office Building''. Signed on May 15, 2012. (Public Law 112–117)

H.R. 3248, to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the ''Lance Corporal Drew W. Weaver Post Office Building''. Signed on May 15, 2012. (Public Law 112–118)

S. 1302, to authorize the Administrator of General Services to convey a parcel of real property in Tracy, California, to the City of Tracy. Signed on May 15, 2012. (Public Law 112–119)

COMMITTEE MEETINGS FOR FRIDAY, MAY 18, 2012

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Agriculture, Subcommittee on Conservation, Energy, and Forestry, hearing entitled ''Formulation of the 2012 Farm Bill: Energy and Forestry Programs'', 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Legislative Branch, markup of Legislative Branch Appropriations Bill, FY 2013, 9:30 a.m., HT–2 Capitol.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''The Impact of the Dodd-Frank Act: Understanding Heightened Regulatory Capital Requirements'', 9:30 a.m., 2128 Rayburn.

Committee on Homeland Security, Subcommittee on Counterterrorism and Intelligence, hearing entitled ''Terrorist Financing Since 9/11: Assessing an Evolving al Qaeda and State Sponsors of Terrorism'', 9:30 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Intellectual Property, Competition and the Internet, hearing entitled ''Health Care Consolidation and Competition after PPACA'', 9:30 a.m., 2141 Rayburn.

Next Meeting of the **SENATE**

2 p.m., Monday, May 21

Senate Chamber

Program for Monday: The Majority Leader will be recognized. The Majority Leader intends to resume consideration of the motion to proceed to consideration of S. 3187, FDA User Fee. At 4:30 p.m., Senate will resume consideration of the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit, and vote on the motion to invoke cloture on the nomination at approximately 5:30 p.m. If the motion to invoke cloture is not agreed to, Senate will vote on the motion to invoke cloture on the motion to proceed to consideration of S. 3187, FDA User Fee.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Friday, May 18

House Chamber

Program for Friday: Complete consideration of H.R. 4310—National Defense Authorization Act for Fiscal Year 2013.

Extensions of Remarks, as inserted in this issue

HOUSE

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