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Senate

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

PRAYER

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

O God, our Father, who fills the universe with the mysteries of Your power, give Your light to our Senators. Illuminate their paths with Your wisdom that they may embrace Your precepts and seek Your truth. Make the light of Your truth guide them as they seek to solve the complex problems of our time. Lord, help them to see the things they ought to do and give them the courage to act. Show them where to go, how they should decide, and which pitfalls they should avoid. Guided by Your light, lead them to Your desired destination, as they find joy in both serving and loving You.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 15, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. The Republican leader and I will make a few remarks today. After that, the majority will hold the first half and the Republicans the final half of 1 hour in morning business. Following morning business, the Senate will be in executive session to consider the Gleason and Rogers nominations. At this stage, we have two scheduled votes. We are going to work with the managers, Senators LEAHY and GRASSLEY, and see whether we need that second vote, and that decision will be made later this morning. At around 12, there will be, as I indicated, up to two rollcall votes on confirmation of these nominations. Following that vote, the Senate will recess until 2:15 p.m. to allow for the weekly caucus meetings. At 2:15, we will resume consideration of the Energy and Water appropriations bill.

As I indicated yesterday, we have a lot to do. Thanksgiving is the week after the day after tomorrow, and we have a lot of things we have to complete.

I gave my word that we are going to do the Defense authorization bill. It still hasn't been worked out to the satisfaction of everyone, but there comes a time when we have to stop negotiating and move to the legislation. We are going to do that following our finishing the next minibus we have. It will be wonderful if we can complete that quickly. As I indicated yesterday, I am not going to fill the legislative tree, but I don't know how much time we are going to be able to spend on this with never-ending amendments. What I would like to do is what we have done in the past, which is to have people offer amendments. But we have to have some kind of a limit that will be self-imposed—that we will have maybe 10 stacked amendments and we will have to figure out some way to dispose of those before we move to another batch of amendments. We will work our way through that. Our staffs, Mr. Myrick and Mr. Schiappa, have been working to see if they can help us work through these issues we have.

We also have the CR we have to do. We hope we will have the first minibus conference completed on that, and we will finish that this work period.

So there is a lot to do. When we come back after Thanksgiving, we only have 3 or 4 weeks until we are there at Christmas.

As I said yesterday, it looks as if we are going to be able to finish our work here at a reasonable time this week. I hope we don't have to work this weekend, and I hope we don't have to work next week. I don't think we will have to do that, but everyone should be prepared in case we do because we have some things that have to be done, such as the CR.

When we come back after the Thanksgiving recess, I tell everyone now that we are not going to be able to do our normal short weeks here. So people are going to have to spend less time at home because the workload after Thanksgiving is really full of lots to do. Again, we have expiring tax provisions we have to work on. If we are fortunate, if the committee comes up with something, that is 30 hours they will have to debate that issue. So we have to be prepared after Thanksgiving to just be here until we are ready to leave for Christmas.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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GOVERNMENT REGULATIONS

Mr. REID. Madam President, it is impossible to open a newspaper or watch cable news these days without hearing my Republican colleagues talk about the evils of ''job-killing regulations.'' Each day, they arrive on the Senate floor to rail against the safeguards that keep our water clean, our air fresh, and our mines safe. According to the GOP, these safeguards are actually the source of all this Nation's economic woes—these terrible, horrible, time-consuming government regulations that hinder the economic progress of America.

Republicans will have you believe that these commonsense rules that check the greed of Wall Street banks, keep huge corporations honest, and stop Big Oil's unnecessary risk-taking are also causing small businesses great harm. Indeed, that would be a terrible thing if that were true. And it isn't.

While it is proper to guard against and remove onerous regulations—and we need to do that—my Republican friends have yet to produce a single shred of evidence that the regulations they hate so much do the broad economic harms they claim. That is because there isn't any.

Conversely, there is plenty of evidence to prove those regulations save lives, prevent asthma attacks, and ensure that mom-and-pops face a fair fight against these multinational corporations and moneyed interest groups. There is plenty of evidence to prove that disasters such as the BP oilspill and the financial crisis of 2008 could have been prevented by better, stronger government watchdog regulations.

But Republicans aren't relying on evidence as they propagate the myth of the job-killing regulations; they are relying on repetition. There are many people, but let's just take one—Bruce Bartlett, an adviser to President Ronald Reagan, a Treasury official under President George H.W. Bush, and a trusted conservative voice on economics. I had many to choose from, but I chose this one to talk a little bit about today. He offered a number of strong words on the regulation monster under big business's bed:

> No hard evidence is offered for this claim: It is simply asserted as self-evident and repeated endlessly throughout the conservative echo chamber . . . In my opinion, regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment.

Listen to what he said again because it is worth repeating.

> No hard evidence is offered for this claim: It is simply asserted as self-evident and repeated endlessly throughout the conservative echo chamber . . . In my opinion, regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment.

But why use regulations proven to protect the health of every mom, dad, man, woman, and child in this Nation as a scapegoat? What are the origins of this myth?

I believe, as Bartlett does, that Republicans are attacking regulation because they don't have a plan to create jobs and turn our economy around—no plan. While Democrats have been pushing time-tested remedies for a flagging economy, such as infrastructure investments or middle-class tax cuts, Republican colleagues have been peddling a cure-all tonic of deregulation.

Bartlett says:

> People are increasingly concerned about unemployment, but Republicans have nothing to offer them.

They have offered up the spectre of overreaching government regulation to distract from the fact that they haven't offered a single idea for how to put America back to work. They use the argument to justify rolling back everything from clean air and water safeguards to Wall Street and health insurance industry reforms. We voted on a number of those last week.

What is more, they spread the tall tale that removing these regulations and letting big business do exactly as it pleases will not only prevent job losses but actually create new jobs. Bartlett called that logical leap ''nonsense. It's just made up.''

So let's talk fact, not fiction. According to the Bureau of Labor Statistics, which asked executives why they downsized, only a tiny, tiny fraction of layoffs had anything to do with tighter regulation. Last year, only three-tenths of 1 percent of people who lost their jobs were let go principally because of government regulations or government intervention. On the other hand, 25 percent of them were laid off because of no business, lack of business. In a recent survey by the Small Business Majority, only 13 percent of small businesses cited regulation as their biggest concern. Half said economic uncertainty was the greatest challenge they had.

That is why Democrats have been offering real solutions to our job crisis and policies that help small firms hire, grow, and thrive again. The truth is, we have enough to worry about in these tough economic times. We can't allow the myth to distract us from the real crisis of high unemployment facing this great Nation.

RECOGNITION OF THE MINORITY LEADER

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

CONSIDERING HOUSE-PASSED LEGISLATION

Mr. MCCONNELL. Madam President, over the past few weeks I have highlighted some of the good work Republicans in the House are doing in identifying jobs legislation that Members of both parties can agree on, and I have suggested that the Democratic majority here in the Senate follow the lead of House Republicans and take up bipartisan legislation that has already passed in the House and pass it here in the Senate. The American people want us to do something about jobs. They want us to work together. Here is the formula. Let's apply it.

We made some progress last week with the Veterans bill and the 3-percent withholding bill, but there is a lot more we could do. The House has now passed more than 20 pieces of jobs legislation, many of which have companion bills that are ready to go here in the Senate. I outlined some of them last week. Why don't we take them up?

Let's acknowledge the fact that we live in a two-party system and that if we are going to make progress, we need to do it on a bipartisan basis. That means doing precisely what Republicans in the House have been doing for the past year—finding areas where the two parties can actually agree and passing bills that reflect those areas of agreement. That is how legislation works. It is easy to push partisan legislation and then complain, when it doesn't go anywhere, that the other party is intransigent. The more difficult job and the one we were sent here to do is to work together to find solutions, to accomplish more than fodder for campaign ads and bus tours.

This morning, I would like to call on our Democratic friends again to take up these bipartisan House-passed bills. One of these bills, for example, makes it easier for businesses to raise the capital they need to expand and to create jobs. Senators TESTER and TOOMEY have companion legislation right here in the Senate.

Another one increases the number of shareholders who are allowed to invest in a community bank before that bank is required to shoulder costly new burdens from the SEC.

Senators HUTCHISON and PRYOR have companion legislation to this bill in the Senate. Senators TOOMEY and CARPER have a bill that would expand it, by applying it to businesses other than banks. Let's take them both up and let's pass them.

Two other bipartisan House-passed bills give small businesses a new avenue to raise capital and small investors a new opportunity to invest in them by allowing small businesses to raise money over the Internet and through social media without having to shoulder the same kind of regulatory obstacles as big businesses.

We all know access to capital is one of the key ingredients to economic growth. Here is a way to make it easier for folks to get capital that also creates new avenues for the little guy to invest—and to start hiring. Senators THUNE and SCOTT BROWN have companion bills in the Senate. Why don't we take them up and pass them?

This is the kind of approach we should be taking in the Senate, putting aside these great big partisan bills that Democrats know have bipartisan opposition and focusing on smaller proposals that can actually pass. On their own, these bills will not solve the jobs crisis. Frankly, no piece of legislation can, large or small—but they will help, and they make it easier for businesses to start hiring.

They will show the American people something they do not believe we do enough of around here; that is, to work together on their behalf. This is how divided government works, through real cooperation and a search for common ground and solutions. This is what Republicans on the joint committee have been trying to do for the past several weeks. It is what House Republicans have been doing all year.

I say let's take up these bills and pass them and then send them on down to the President for signature. The administration supports many of these House-passed bills. Democrats in the House strongly support many of them and Republicans support them overwhelmingly. So let's do it. Let's build on the momentum we have from last week after passing the 3-percent withholding and the veterans bill, and let's show the American people we have hit upon a formula for legislative success around here.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Maryland.

CHAINED CPI

Ms. MIKULSKI. Madam President, I wish to address one of the most important issues facing the supercommittee; that is: Where does Social Security fit into their plans? The Chair knows because she is very close to the people of New Hampshire, she knows all over her great State, and mine in Maryland, people are getting ready for Thanksgiving. As they get ready, they first of all give gratitude for living in the United States of America, the land of the free and the brave. But they are also wondering what kind of country are we living in right now because the Chair and I know they are worried about paying their bills. As they get ready for their holiday dinner and the family gathering and all the wonderful traditions that go into this very special holiday they are saying: Where are we? Have we lost our way? Are we so mired in partisanship we cannot seem to find a path forward?

They think we are the turkeys. They want us to stuff it. They want us to get on and start worrying about the table, worry about their kitchen table, and bring everybody to the table here and begin to solve national problems and to do it in a way that brings the country together. What do they want us to do? While maybe at the kitchen table the children will argue over who gets the wishbone, they want us to have backbone to make the tough decisions that these times call for but not to be tough on one another.

As I think about this, I think about Social Security. We say everything should be on the table. I think everything should be on the table that caused our deficit. I think everything should be on the table that caused our debt. Social Security did not cause our deficit. Social Security did not cause our debt. Do we need to take a look at Social Security to ensure its safety and solvency for the rest of the century—or certainly well beyond 2050 or 2070? Absolutely. But I say this: While the supercommittee is charged with looking at a more frugal government, we must maintain the social contract. The social contract in the United States of America is the contract that the U.S. Government made with its people. It said, if a person went by the rules and they paid their dues, al la the payroll tax, there will be a benefit for them. It will be a defined benefit. It is called Social Security. It will be undeniable, it will be reliable, and it will be inflation-proof.

Every President has agreed there is a social contract. Every President has taken a look at how to provide for that. Some ways we have agreed with, some we have disagreed with. Where we agreed was the great, wonderful way we worked in the 1980s when Social Security was facing challenges and President Reagan reached out to Tip O'Neil, Bob Dole, Bob Byrd, Howard Baker, and we made Social Security solvent for 30 or 40 years. We did the same under President Bill Clinton.

President George Bush, the No. 2 Bush, ''W,'' wanted to privatize Social Security. We stopped that. We do not believe in the privatization of Social Security. We did not want to turn Social Security over to Wall Street. We believed Wall Street got enough, they didn't have to get Social Security. If a person were older or sick, we didn't want them to rely on the bull of political promises or the bear of a market.

Social Security affects so many people. There are 50 million Americans who rely on Social Security: retired workers, their spouses, people with disabilities. For two-thirds of the people on Social Security, their benefit is between $14,000 and $15,000 a year. It makes up all or more than half their income. In my own State, 500,000 workers are on Social Security, so protecting the social contract is clearly in our national interest.

What brings me to the floor today? Two things. No. 1, I don't think Social Security should be in the debate about how to reduce our debt or our deficit. I do think Social Security should be discussed in a rational, calm, nonpartisan way to ensure safety and solvency and reliability.

The other issue that brings me to the floor is how do we put our arms around the cost-of-living problem? It is indeed vexing. How do we meet the needs of the people but not exacerbate the drawdown in the trust fund? These are valid conversations. Wise people should talk about it. But one thing I am opposed to is called the chained CPI—isn't that a terrible word, ''chained'' CPI? In our country, the very word ''chains'' has such a negative connotation.

What I worry about is that its Draconian effect will have a chain reaction on seniors that will cause a tremendous crash. I am concerned we are about to shred the social contract. Let me tell you what the chained CPI is. It would actually cut Social Security by over $100 billion over the next 10 years. It does it by changing the cost of living as calculated. It is based on a theory. It is based on social engineering, some kind of abstract concepts about human behavior, that invisible hand that Adam Smith talks about. I worry that this invisible hand will actually pinch Social Security. It assumes consumers will substitute lower cost items for what they normally purchase; that is, if the price of apples increases, they will go buy oranges. I am afraid what we are doing is we are going to buy lemons.

The chained CPI is inappropriate because actually seniors have a fixed market basket. They not only have a fixed income, but they have a fixed market basket. Their primary expenditure is health care, over which they have little control. The cost of health care continues to rise. Their next one is energy, then food, and then housing. For seniors, this is not like giving up opera tickets for movie tickets. It is not like giving up a latte for Dunkin' Donuts. For them, it is not giving up Whole Foods, it is having no food. We have to get real about the market basket of seniors.

I wish to make three points about the myths. No. 1, the chained CPI is not a technical fix. Despite popular notions, op-eds, editorial boards, it is not just a technical corrective. It would actually fundamentally restructure Social Security. It could very well have a chain reaction, pushing old people into poverty. Under the way the CPI is calculated, if a person is now getting $15,000 a year when they are 65, when they are 75, they will have $5,000 less, and if they live to 85, it will be reduced by $1,000.

I have this in this chart. The numbers I am giving do not come from BARB MIKULSKI. They don't come from some wonky, lefty think tank, this comes from the Social Security Actuary, the keeper of the books and the projections for Social Security. For a single woman on Social Security under the chained CPI, from the time she is 65 until the time she is 80, she could lose as much as $6,000. In other words, the older we get, the worse it will get. Remember, under chained CPI, the older we get, the less we will get; the older we get, the worse it will get.

Myth No. 2 is, this is not an immediate cut. Oh, it is going to go into future beneficiaries. Oh, it is a long way off. Whomever it hits, it will hit hard. Remember the chain reaction. But it is a myth. According to the Social Security Actuary, the chained CPI will affect everyone, and if we pass it as part of the supercommittee, it will go into effect December 2012. It will go into effect immediately, December 2012. That is a pretty big deal.

The third myth is, this change would mirror people's behavior, but it doesn't take into account health care costs, the cost of prescription drugs, copays, and premiums. Remember, one way or the other we are going to change Medicare.

What I want to do at this time is sound the alert. I want to ring the bell. I am at my battle station. I am at my duty station. I want every Senator, when they vote on this, to have informed consent. I want people to read about it and know about it and make up their own minds. I oppose the chained CPI. I oppose Social Security being in the supercommittee. I am not drawing a line in the sand today. I want to say for the supercommittee, God bless them in their work, they are truly pursuing this in a duly diligent way, and we hope we can come to a great resolution where we can reduce our debt, reduce our deficit, and do it in a way that is a balanced approach but does not balance all this on the backs of senior citizens.

FDR signed this bill 75 years ago. Every President, regardless of party, said we will keep the social contract, pay your dues through this payroll tax, Social Security is going to be there for you. We want Social Security to be there for the seniors, and we need to be there for the Social Security Program.

I hope my colleagues put due diligence into understanding this policy.

I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COBURN. It is my understanding we have until 11 a.m.

The ACTING PRESIDENT pro tempore. The Senator is correct.

THE TAX CODE

Mr. COBURN. Madam President, our country is at a crossroads. Anybody who is watching Europe will find that they have been very slow to address the real underlying problems of debt and deficits there. They have a much more difficult time than what we should because they have a monetary union without a political union. We have a monetary and political union.

The fact is that over the next 10 years we are going to have a debt—including borrowing money for student loans, borrowing money to pay back Social Security, what has been stolen—we are going to have a true debt of about $27 trillion to $28 trillion. It is absolutely unsustainable. It won't happen—according to Ben Bernanke—because his statement is, the world will not loan us the money.

What is going on in Europe today? What is going on in Europe today is the markets are punishing the countries that have excessive debt-to-GDP ratios. We sit at 100 percent debt to GDP. We see what has happened just in the last 2 weeks to bond rates for Italy. The differential between an Italian bond rate and a German bond rate is now about 430 basis points, a 4.3 differential for the same length maturity bond for Italy versus Germany. What is the difference? Germany is living within the confines of its economic capability. Italy didn't. How does that apply to us? It applies to us in that we are not and what will happen to us if we don't make the difficult changes that are necessary.

There has been a lot of rhetoric on both sides of the aisle and there has been rhetoric from the President in terms of us looking at who pays what in terms of taxes in this country. But nobody is looking at what we are doing with our Tax Code that enables those who are the wealthy in this country to pay less taxes. So I had my staff put together a list of the subsidies for the wealthy in this country, because the answer isn't just to raise taxes; part of the answer is to quit subsidizing these behaviors.

We came up with a piece that we put out called ''Subsidies for the Rich and Famous.'' It is a report that looked at every government program. We looked at everything we do. What we found is every year, for people having adjusted gross incomes above $1 million, we give $28 billion worth of benefits in the Tax Code or through our programs. I will tell my colleagues that if we wanted—I am one of those who thinks we ought to reform our Tax Code, we ought to lower the rates, we ought to make it where it actually increases productivity in this country, creates capital investment. But one of the first steps in doing that is to make sure our Tax Code and our safety net programs are for those who truly need it and not for those who don't.

We went through the total tax breaks of $113.7 billion over the last 4 years. Mortgage interest: $27.7 billion in tax breaks to people who are making more than $1 million a year. That is a lot of dough.

Rental expenses. The writeoff of rental expenses for those making more—we are not talking businesses. None of these are business deductions. These are personal deductions for the very wealthy in this country who are making more than $1 million adjusted gross income a year. We allow them to write off $64.3 billion in rental expenses.

Gambling losses. We allowed the rich and famous to reduce their taxes by $21 billion because we allow them to gamble, and if they lose money, they get to write it off. So we are subsidizing the loss. We are subsidizing their gambling losses.

Canceled debt, debt writeoffs, debt forgiveness. We have allowed $128 billion in terms of writeoffs for those people making more than $1 million adjusted gross income.

Business entertainment—and this is not through business, though, not run through a business; this is personal deductions for business entertainment—$607 billion.

Electric vehicle. What are we seeing? Who are the people taking advantage of our messing in the economy and creating an incentive for somebody to buy an electric vehicle? The vast majority are the people who don't need the writeoff in the first place. What we have is $12.5 million last year alone in tax credits for the very wealthy to take a $7,500 or $8,500 tax credit for buying an electric car.

Childcare, nanny care for the very wealthy last year: $18 million.

Renewable energy tax credits for the very wealthy: $75.6 million.

The whole point of putting this report out is we are schizophrenic with our Tax Code. We have it upside down. When people talk about how they want millionaires to pay more—they are paying plenty. The top 1 percent pays 38 percent, the top 20 percent pays 80 percent of all of the taxes in this country. But if we want to start getting at this, the way we do it is start taking away the things that reduce their tax burden that don't make sense, that aren't smart, and that don't help those who need the true safety net in our country. These people aren't dependent on these. They will do fine without them. The whole purpose for most of these programs was to create and sustain a safety net for those who are less fortunate.

When we allow $113.7 billion in tax breaks for the wealthy over 4 years, what could we do with that money? Well, we could run a NASA that is twice as big. We could not borrow $113 billion because the interest rates on that are significant; another $4 billion or $5 billion a year in interest that we

wouldn't have to borrow. We wouldn't have to make some defense cuts that are going to have to come. We could maybe put more money into Medicare prevention and disease prevention rather than what we have done. There are all sorts of things we could do.

The point behind the report is that most Americans don't realize how we are subsidizing through tax credits the very wealthy in this country. I don't have any real problem with them taking the tax credits. We put it out there. The real question we ought to be asking is why are we doing all of this in the first place. Does the economy itself in a free market not allocate resources better than we can do? How many Chevy Volts have been sold this year? The answer is 5,000. So 5,000 times $7,500 is what we paid in tax credits to have the Chevy Volt sold because everybody who bought it got a $7,500 tax credit. If it is a viable product, then let people buy it. If it is not, they won't. Yet who are the people who bought most of the Chevy Volts? People making significantly more than the average American.

If we are going to play in the Tax Code, what we ought to do is play on a very level playing field. If we want to create incentives, then we ought to create incentives that actually will do something for the economy rather than benefit those who make the most money in the economy.

I would say what this spells is a case for us to totally reform our Tax Code. Most people don't realize this is one of the side effects. That is not to say there are not some good side effects. But the fact is when we are running $1.3 trillion deficits, do we want to be subsidizing the rich and famous in this country with our programs? I would say no.

When Medicare Part B started, 50 percent of the cost of Medicare Part B was to be borne by the Medicare recipient. We are at 25 percent now. There was never any thought—and, remember, nobody ever paid anything for that. In other words, that is all borrowed money to do that. Nobody ever contributed into a Part B fund. They contributed into a Part A fund which, by the way, will be bankrupt in 4½ years. What about those on Part D? Nobody ever paid a penny, and we have $13 trillion in unfunded liability in Part D. Why should the very wealthy get subsidized drugs in this country? Why should they get subsidized Part D? In other words, we ought to ask ourselves a question.

Think about Social Security. Why is Canada's Social Security system not in trouble? Because Canada looks at how much income a person is making every year, and at certain levels a person gets half of their Social Security because they obviously don't need it because their income is up there, and at a certain other level they get none of it. Why? Because it is based on a means-testing mechanism that says this program is designed to be an underpinning for those who need it. We have gone completely the other way.

My point is we have all this discussion about what we should do. We are wringing our hands. The first thing to do is to fix the Tax Code and the best way to fix it is to say 3 months from now it is going away, and have Finance and Ways and Means Committee in the House come together with a new Tax Code that fixes all of this. Everybody in Washington says that can't be done. Nobody outside of Washington says it can't be done, but we say it can't be done. It can be done. It needs to be done.

If we want a healthy future, we need to reform our Tax Code to generate greater investment, greater job opportunity. We need to lower the rates, and we need to eliminate things such as these that don't truly help the economy, but help those who were smart enough to figure out how to play the game, who are the wealthiest in this country. I am proud of them. I want them to be more successful. But in these difficult times, we need to ask them to contribute more. We need to not have these kinds of programs in our Tax Code that actually subsidize those who need no subsidy.

With that, I yield the floor and note 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. BEGICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF SHARON L. GLEASON TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA

NOMINATION OF YVONNE GONZALEZ ROGERS TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

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 bill clerk read the nominations of Sharon L. Gleason, of Alaska, to be United States District Judge for the District of Alaska and Yvonne Gonzalez Rogers, of California, to be United States District Judge for the Northern District of California.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour for debate, equally divided in the usual form.

The Senator from Alaska.

Mr. BEGICH. Madam President, I am glad the Senate will confirm two more highly experienced Federal judges this morning. I wish to take a moment to speak in support of the nomination of one of Alaska's finest State judges to the Federal bench.

Today, the Senate will vote to confirm the nomination of Judge Sharon Gleason to be a judge for the U.S. District Court for the District of Alaska. I know Sharon quite well, and I recommended her to the President for this opening.

I can say without hesitation that she is one of Alaska's finest. She is smart, she is compassionate, well rounded, and possesses an ample supply of common sense.

Alaska's judicial candidates are rated by their peers, and Judge Gleason consistently receives among the highest marks possible. For these reasons, and many others, I hope all my Senate colleagues will join me in supporting her nomination.

Her confirmation will make Judge Gleason the first female judge appointed to the Federal bench in Alaska history. That is truly momentous for our State and long overdue.

I know many Alaskans back home—and 4 hours earlier—are watching these floor proceedings today because of the significance of this appointment.

Sharon was appointed to the Anchorage Superior Court in 2001 by Gov. Tony Knowles, who was my boss when he served as mayor of Anchorage. On the Superior Court, Judge Gleason has presided over a large variety of cases, including complex civil litigation, divorce and custody proceedings, child-in-need-of-aid proceedings, and criminal cases.

Judge Gleason now serves as the presiding judge of the Third Judicial District in Alaska. That position is responsible for overseeing 70 percent of the caseload of the entire State trial courts and includes 40 judges and 20 magistrates.

Her record as a judge has been excellent. She is widely praised for her judicial temperament, her fairness on the bench, and especially her pioneering work on behalf of families and children. For that work, she was awarded the prestigious Light of Hope award in Alaska.

Sharon is an active member of her community, serving on numerous legal committees. She also is a heck of a clarinet player, and she has been playing in the Anchorage Symphony Orchestra for more than 25 years.

Judge Gleason received the unanimous bipartisan support of every member of the Senate Judiciary Committee. The American Bar Association has rated her ''unanimously well qualified,'' their highest possible rating for a Federal judge.

If confirmed, Judge Gleason will follow a long line of excellent Federal judges in Alaska. She will replace retiring Judge Jack Sedwick, who has served our State with distinction for nearly a decade on the Federal bench.

Judge Sharon Gleason is one of my State's finest legal minds, and I am confident she will continue to fairly and effectively serve Alaskans from the Federal bench.

I urge all my colleagues to support her nomination to the U.S. District Court.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. MURKOWSKI. Madam President, this is a big day for us in Alaska and in Alaska's legal history. The Senate is today considering the nomination of Sharon Gleason. Sharon is the first woman to be nominated for United States district court judge in Alaska. She is an outstanding nominee and I regard it as a privilege to speak in support of her nomination today.

Sharon Gleason is a native of Rochester, NY. She earned her bachelor's degree from Washington University in St. Louis. She received her law degree from the University of California-Davis. Upon graduation from Davis, Sharon was elected to the Order of the Coif, which is the national legal honor society. Following her graduation, she clerked for Edmond Burke, who was the chief justice of the Alaska Supreme Court.

This was the beginning of an exceptional legal career in the State of Alaska for Sharon Gleason. After 17 years in private practice, Sharon was selected to serve on the Alaska Superior Court for the Third Judicial District in Anchorage. She came to the bench in 2001. In 2009, Sharon was elevated to the role of presiding judge for the Third Judicial District. This is the judicial district that is the busiest of our four judicial districts in the State of Alaska.

I think it is important to take a moment here to explain how the process works in the State of Alaska for appointment as a judge. Sharon was selected, again, to serve on the Superior Court. All applicants for State judicial positions are vetted by the Alaska Judicial Council. There is a commission that is composed of attorneys and of public members, and the top candidates are recommended to the Governor for consideration and ultimate appointment. That merit process was created by the Alaska constitution, and it was intended to keep the politics out of the judicial selection process, and it is a process that many of us in the State of Alaska are quite proud of. We think it is a very effective process and works well. Every candidate is formally evaluated on issues such as integrity, professional competence, fairness, judicial temperament, and suitability of experience.

As a member of the Alaska bar, I get the bar survey polls to evaluate the individuals as their names go forward, and you look through the categories to rate each candidate. I think if you were to ask any Alaska attorney about the rigor of this process, you would get the same answer, that it is a very effective process. The grading is tough, and those who are not up to the challenge do not slip through any cracks. The Governor may only appoint a candidate who has been recommended by the Alaska Judicial Council.

Once selected, a Superior Court judge must stand for periodic retention elections. The Alaska Judicial Council reevaluates each judge standing for retention and then makes a recommendation to the voting public on whether that judge should be retained. Once again, the process is quite rigorous. The judicial council surveys attorneys, jurors, law enforcement, court employees, social workers, guardians ad litem, and court-appointed special advocates. The scores then are made public. So it is a very open process. It involves many, many within the Alaska legal community and is quite transparent.

Sharon Gleason last stood for retention in 2010, and she scored high on measures of legal ability, impartiality, integrity, temperament, and diligence. In her 2010 retention questionnaire, Judge Gleason stated this about her job:

> The workload is particularly demanding . . ., involving many long days and weekends. But I continue to love going to work just about every day . . . I strive to be the best judicial officer that I can be in every case that comes before me.

Those were the words of Judge Gleason. I think that is an excellent outlook for a member of our judiciary, and Alaskans clearly agreed. The Alaska Judicial Council recommended her retention and she was retained with nearly 61 percent of the vote.

As a product of the Alaska court system, Sharon Gleason has functioned with great distinction in a merit-based, nonpartisan, and nonpolitical environment. In advance of the vote we will hold here in the Senate in about a half hour, I took the opportunity to survey some judges who either worked with Sharon in Alaska or who have had the opportunity to work with her. One of them reported that Judge Gleason has presided over complex technical cases that lasted several weeks and required her to pour over thousands of pages of exhibits and transcripts. She has also presided over child custody cases, making sure that she understands the needs of each child and how to assist or require the parents to raise their children appropriately. She is at work late each night and at least one full weekend day every week. She insists upon litigants being respectful of one another in litigation and during the hearings. She spends many hours evaluating herself to ensure that she is not only meeting her own standards about being fair to all sides but also behaves in a manner that leaves the parties to know she is being fair. She takes great pains to articulate to parties how she will run a hearing and why she is ruling as she does. She has tremendous control of her own demeanor so that she maintains control of proceedings. As a result, parties almost universally leave a hearing or a case feeling she has understood them and thought carefully about her decision. She acts with an appreciation that for the litigants involved the case before her is the most important thing in their lives at the time. She is, and I believe will continue to be, a superb judge.

Another judge said: Sharon's skills as a capable trial court judge and an excellent presiding judge are well known to Alaskans. She will be missed by her colleagues in the State court but she will make a fantastic addition to the Federal district court.

The American Bar Association has evaluated Judge Gleason as being ''well qualified'' for elevation to the U.S. district court. I think she will make an exemplary U.S. district court judge. I am proud to support this nomination, and I would encourage my colleagues to do the same.

Mr. GRASSLEY. Mr. President, today the Senate will confirm two more of President Obama's judicial nominees. If my colleagues feel like they have been spending a lot of time on the Senate floor voting on judicial nominees, I would tell them they have. In just a little over a month, we have confirmed 20 article III judicial nominees for lifetime appointments. In total, the Senate has confirmed 71 percent of the President's judicial nominees since he took office.

I would like to say a few words about the nominees.

First, Sharon Gleason is nominated to be United States District Judge for the District of Alaska. Judge Gleason received her bachelor of arts from Washington University in St. Louis in 1979 and her juris doctorate from the University of California, Davis, School of Law in 1983. She then served as a law clerk for Chief Justice Edmond Burke of the Alaska Supreme Court.

After her clerkship, Judge Gleason became an associate at the law firm Reese, Rice, and Volland in Anchorage, AK, where she worked on a variety of civil litigation. Judge Gleason became a partner in 1989 and remained at the firm until 1995 when she became a sole practitioner.

In 2001, Judge Gleason was appointed to the Anchorage Superior Court by then-Governor Tony Knowles. She was retained by voters in 2004 and again in 2010.

The American Bar Association Standing Committee on the Federal

Judiciary has rated Judge Gleason with a unanimous ''Well Qualified'' rating.

We will also be voting on Yvonne Gonzalez Rogers. She is nominated to be United States District Judge for the Northern District of California.

Judge Gonzalez Rogers earned her bachelor's degree from Princeton University in 1987 and her juris doctorate from the University of Texas, Austin School of Law in 1991.

She began her legal career with Cooley LLP and served as a member of the General Business Litigation practice and the Real Estate Litigation practice. She focused on large and complex civil litigation matters, including real estate and technology-related litigation.

In addition to her legal practice, Judge Gonzalez Rogers also chaired the Judiciary Committee for the northern California Hispanic National Bar Association and the San Francisco La Raza Lawyers Association. In these roles, she investigated candidates for the judiciary and recommended endorsement where appropriate.

Governor Arnold Schwarzenegger appointed Judge Gonzalez Rogers as a superior court judge for the State of California on July 25, 2008. She was reelected without opposition in 2010.

The American Bar Association Standing Committee on the Federal Judiciary has rated Judge Gonzalez Rogers with a unanimous ''Qualified'' rating.

Mrs. FEINSTEIN. Mr. President, I am very pleased that we are considering the historic nomination of Judge Yvonne Gonzalez Rogers to the United States District Court for the Northern District of California.

When she is confirmed, she will be the first Latina district judge in the Northern District of California.

Judge Gonzalez Rogers first came to my attention through a bipartisan Judicial Advisory Committee that I have set up in California. This committee recommended her to me, and I interviewed her personally.

Judge Gonzalez Rogers is a tested judge with a proven track record of success and dedication to the northern California community. It was my privilege to recommend her nomination to President Obama.

She lives in Piedmont, CA. She and her husband have three children—Christopher, Maria, and Joshua.

Judge Gonzalez Rogers was born in Houston, TX. Her parents were each the oldest of nine siblings and grew up in south Texas. Spanish was their first language.

Her father served in the U.S. Army and went to college with assistance from the G.I. Bill.

Out of a large extended family, she was one of only three family members to attend college.

She earned her undergraduate degree from Princeton University, where she excelled, graduating cum laude in 1987.

During school breaks and weekends, she spent her time cleaning houses and cutting grass to help pay her tuition.

She attended law school at the University of California at Berkeley, ultimately earning her law degree from the University of Texas at Austin.

She began the practice of law at the prestigious San Francisco firm Cooley LLP. At that time, no Latina woman had been elected into the partnership of any major San Francisco law firm.

In her own words, Judge Gonzalez Rogers ''worked hard to break that mold by becoming an excellent attorney worthy of invitation to the partnership.'' She was elevated to Cooley's partnership in 1998.

In her application to my committee, she described her story as the ''American dream,'' and she said that she ''would be honored to spend the remainder of [her] professional career serving the country that has given [her] so much.''

She currently serves as an Alameda County superior court judge. Judge Gonzalez Rogers is an impressive jurist—smart, personable, and with mainstream views of the law—who I believe would serve very well as a Federal district judge.

On the Superior Court, she has presided over both a criminal and civil calendar. She currently oversees a docket of more than 500 civil cases.

She has also been active in the community. She was appointed by the presiding judge to serve as foreperson of the Alameda County Civil Grand Jury—an active investigative body that examines complaints about the administration of county government.

She served as cochair of Citizens for Piedmont Schools, leading a campaign to pass ballot measures for the benefit of the local school systems. Each measure passed with over 80 percent of the vote.

Her dedication to her community is admirable, as is her dedication to the law.

As she said in her own words, ''I have a deep respect for judicial leadership, for judges who manage the process and their courtrooms well, apply the law fairly, and explain their reasoning clearly. Reasonable people can disagree. We need judges who will listen and then decide. I hope to have a long judicial career to live up to this standard.''

I have no doubt she will live up to that standard, and I strongly believe she will be an outstanding Federal judge.

The Judiciary Committee reported her nomination by voice vote in September, and I urge my colleagues to vote to confirm her nomination today.

Mrs. BOXER. Mr. President, I want to express my strong support for California Superior Court Judge Yvonne Gonzalez Rogers as the Senate prepares to vote on her confirmation to the U.S. District Court for the Central District of California. Judge Gonzalez Rogers was recommended to the President by my colleague, Senator FEINSTEIN, and will be a great addition to the Federal bench.

Judge Gonzalez Rogers has been a skilled lawyer and judge during her career. After graduating from the University of Texas School of Law, she practiced complex civil litigation at Cooley Godward in San Francisco, becoming a partner at the firm in 1999. In 2008, she was appointed by then-Governor Arnold Schwarzenegger to the Alameda County Superior Court, where she currently serves. She has also served as regional president for the Hispanic National Bar Association.

I congratulate Judge Gonzalez Rogers and her family on this important day and urge my colleagues in the Senate to join in voting to confirm this highly qualified nominee to the Federal bench.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WEBB). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, today the Senate is going to finally consider two of President Obama's highly qualified nominees to fill Federal district court vacancies in Alaska and the Northern District of California. They were unanimously voted out by the Judiciary Committee 2 months ago. I am sorry it has taken so long because of objections on the other side, but I am glad they now will be considered.

Both Sharon Gleason and Yvonne Gonzalez Rogers have the strong support of their home State Senators and both were reported by the Judiciary Committee unanimously over 2 months ago. I thank the majority leader for securing votes on their nominations. I am disappointed that the Senate Republican leadership would not agree to a vote on the other 23 judicial nominees waiting for final Senate action. These delays are inexcusable and damaging.

All 25 nominees on the Senate calendar are qualified and have the support of their home State Senators, Republican and Democratic. Twenty-one of these judicial nominations were unanimously approved by the Judiciary Committee. Senate Democrats are prepared to have votes on all these important nominations. I know of no good reason why the Republican leadership is refusing to proceed on the 23 other judicial nominations that they have stalled before the Senate.

The Senate Republican leadership has, again, insisted that the Senate skip over two circuit court nominees who would fill judicial emergency vacancies on the Second and Ninth Circuit. They, too, were reported unanimously and have the support of their home State Senators. There is no good

reason that the Senate is being prevented from confirming the nominations of Judge Chris Droney of Connecticut to fill a judicial emergency vacancy on the Second Circuit and Morgan Christen of Alaska to fill a judicial emergency vacancy on the Ninth Circuit.

Senator GRASSLEY and I have worked together to ensure that each of these 25 nominations was fully considered by the Judiciary Committee after a thorough, fair process, including completing our extensive questionnaire and questioning at a hearing. This White House has worked with the home State Senators, Republicans and Democrats, and each of the judicial nominees being delayed from a Senate vote is supported by both home State Senators. The FBI has conducted a thorough background review of each nominee. The American Bar Association's Standing Committee on the Federal Judiciary has conducted a peer review of their professional qualifications. When the nominations are then reported unanimously by the Judiciary Committee, there is no reason for months and months of further delay before they can start serving the American people.

With the vacancy rate on Federal courts throughout the country near 10 percent, the delay in taking up and confirming these consensus judicial nominees is damaging. Last week, The Wall Street Journal reported on the impact of these vacancies at a time when the criminal docket on Federal district courts is growing. The article states:

> Exacerbating the problem are vacancies on the Federal bench. Despite the surge in case loads, the number of authorized federal judgeships has risen just 4% since 1990. Of the 677 district court judgeships currently authorized, about 9.5% are vacant. (''Criminal Case Glut Impedes Civil Suits'')

As a result, according to Judge McCuskey of the Central District of Illinois, ''civil litigation has ground to a halt.'' These delays affect both individuals and businesses. The article highlights that over 2,000 citizens of Merced, California who filed suit in 2007 over toxic chemical contamination stemming from a 2006 flood are still awaiting resolution, and only one civil trial has been held in the matter. In the article, Senior Judge W. Royal Furgeson of the Northern District of Texas is quoted warning that if decisions on contracts, mergers and intellectual-property rights ''can't be reached through quick and prompt justice, things unravel for business.''

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of this article at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. A report published last month by the Administrative Office of the U.S. Courts demonstrates the extent of these delays in Federal court. Across the country, there are over 15,000 civil cases that have been pending for more than three years without resolution. The Administrative Office's data show that many of the circuits with the highest number of vacant district judgeships also have the highest backlog of pending cases. The Ninth Circuit has over 1,700 civil cases that have been pending for more than three years. There are currently 14 district judgeships vacant in that circuit, including five vacancies that the Administrative Office has classified as judicial emergency vacancies. The Fifth Circuit has over 1,300 civil cases that have been pending for more than three years. There are eight district judgeships vacant in that circuit, six of which are emergency vacancies.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. While 3 years may be necessary for some of the most complex business disputes, it is unacceptable for hardworking Americans who are seeking their day in court. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait for 3 years before a judge rules on his or her case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

With almost one in 10 Federal judgeships currently vacant, the Senate must come together to address the serious judicial vacancies crisis on Federal courts around the country. Bill Robinson, the president of the American Bar Association, warned recently in a letter to Senate leaders that excessive vacancies and high caseloads, ''deprive . . . our federal courts of the capacity to deliver timely justice in civil matters and has real consequences for the financial well-being of businesses and for individual litigants whose lives are put on hold pending resolution of their disputes.'' Justice Scalia, Justice Kennedy and Chief Justice Roberts have also warned of the serious problems created by persistent judicial vacancies. This is not a partisan issue, but an issue affecting hardworking Americans who are denied justice when their cases are delayed by overburdened courts.

During President Bush's first 4 years, the Senate confirmed a total of 205 Federal circuit and district court judges. As of today, we would need another 89 confirmations over the next 12 months to match that total. That means a faster confirmation rate for the next 12 months than in any 12 months of the Obama administration to date. That would require Senate Republicans to abandon their delaying tactics. I hope they will. This is an area where the Senate must come together to address the serious judicial vacancies crisis on Federal courts around the country that has persisted for well over 2 years. We can and must do better for the millions of Americans being made to suffer by these unnecessary Senate delays.

More than half of all Americans—almost 164 million—live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans just agreed to vote on the nominations now pending on the Senate calendar. As many as 25 states are served by Federal courts with vacancies that would be filled by these nominations. Millions of Americans across the country are harmed by delays in overburdened courts. The Republican leadership should explain why they will not consent to vote on the qualified, consensus candidates nominated to fill these extended judicial vacancies.

I have heard some Senators excuse the delays and the extraordinary numbers of nominations left pending on the Senate calendar by claiming that our progress on nominations this year has been among the best in history. This is not true on its face, and ignores the Senate's failure to confirm judges in the first 2 years of the Obama administration, a practice which has led to historically high vacancies. The 56 circuit and district court nominations we have confirmed thus far this year is well behind the 68 we confirmed in the third year of President George W. Bush's first term. What makes the claim of progress even more misleading is that of the 56 nominations we confirmed this year, 17 could have and should have been confirmed when they were reported by the Judiciary Committee last year and instead took us until June of this year to consider. Even including these nominees on this year's total, the Senate's progress this year barely cracks the top 10 years for confirmed nominees in the last 35 years.

The truth is that the actions of the Senate Republican leadership in stalling judicial nominations during President Obama's first 2 years led to confirmation of few judges, leading to high vacancies. Republican leadership allowed the Senate to confirm only 47 circuit and district court nominations last year and set the modern record for fewest nominations confirmed with only 13 the year before—a total of 60 nominees confirmed in President Obama's first 2 years in office—leading to judicial vacancies that stood at 97 at the start of this year. In stark contrast, at the start of President Bush's third year, 2003, judicial vacancies stood at only 60 because the Senate had confirmed 72 of his circuit and district court nominations the year before and 28 in his first year in office, a total of 100 in the 17 months prior to 2003 with a Democratic majority.

The 100 circuit and district court nominations we confirmed in President Bush's first 2 years leading to a vacancy total of 60 at the beginning of his third year is almost a complete reverse of the 60 we confirmed in President Obama's first 2 years, leading to nearly 100 vacancies at the start of 2011. Yet, even following those years of real

progress, in 2003 we proceeded to confirm more judicial nominations—68—than there were vacancies at the start of that year and reduced vacancies even further. We worked to reduce vacancies on the circuit courts to single digits and throughout the Federal judiciary to fewer than 30.

The two nominees we consider today should have been confirmed 2 months ago. Sharon Gleason is nominated to fill a vacancy in the District Court for the District of Alaska. She is currently the Presiding Judge on the Superior Court for Alaska's Third Judicial District, where she has served for nearly a decade. Judge Gleason spent 17 years in private practice and clerked for Chief Justice Edmond Burke of the Alaska Supreme Court. The ABA's Standing Committee on the Federal Judiciary unanimously rated her ''well qualified'' to serve, its highest rating. Her home State Senators, Senator MURKOWSKI, a Republican, and Senator BEGICH, a Democrat, gave Judge Gleason their strong support when they introduced her to the Committee at a hearing in July. If confirmed, Judge Gleason will be the first woman to serve as a Federal district court judge in Alaska.

Judge Yvonne Gonzalez Rogers is nominated to serve as a United States District Judge for the Northern District of California. Since 2008, she has served as a judge for the Superior Court of California in Alameda County. Judge Gonzalez Rogers previously worked for 12 years as a litigator in private practice in the San Francisco office of Cooley LLP, and served for 2 years as a civil grand juror for Alameda County. Originally appointed to the Superior Court by Republican Governor Arnold Schwarzenegger in October 2008, Judge Gonzalez Rogers has the strong support of both of her home State Democratic Senators, Senators FEINSTEIN and BOXER.

I hope that the Senate can build on our progress today by considering the other 23 judicial nominations pending on the Senate calendar. With less than 5 weeks left before Senate adjournment for the year, the Senate needs to consider at least 5 judges every week in order to begin to catch up and erase the backlog that has developed from the delays in the consideration of consensus nominees caused by the Senate Republican leadership. We should not end another year with the Senate Republican leadership refusing to give final consideration to qualified judicial nominees and insisting on their nominations being returned to the President to begin the process all over again. Such delaying tactics are a disservice to the American people. The Senate should fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

EXHIBIT 1

[From the Wall Street Journal, Nov. 10, 2011]

CRIMINAL CASE GLUT IMPEDES CIVIL SUITS

(By Gary Fields and John R. Emshwiller)

An explosion of criminal prosecutions in the nation's overextended federal courts has left civil litigants from bereaved spouses to corporate giants waiting years for their day in court.

The logjam, prompted particularly by criminal cases related to drugs and immigration, as well as by the proliferation of more-obscure federal criminal laws, threatens the functioning of the nation's judicial system, say some judges and attorneys.

''We need the resources to do both'' civil and criminal law, says W. Royal Furgeson, a senior federal judge in Dallas. If decisions on contracts, mergers and intellectual-property rights ''can't be reached through quick and prompt justice, things unravel for business.''

In the Northern District of California, a widely watched intellectual-property fight between Google Inc. and Oracle Corp. has stalled to an indefinite halt. The two-year-old case, in which Oracle alleges that Google's Android smartphone software infringes its copyrights and patents, was scheduled to go to trial last month. Judge William Alsup postponed it ''due to a lengthy criminal trial.'' In a written order, he said the trial would occur ''in due course.''

Oracle and Google declined to comment. Judge Alsup's clerk said he was too busy to comment.

Over the past three decades, the U.S. has steadily added to the federal rule book through new criminal statutes and regulations that carry criminal penalties. Combined with beefed-up enforcement, that has led to a 70% jump in the number of pending federal criminal cases in the past decade—to over 76,000, according to the Administrative Office of U.S. Courts.

Civil litigation, which accounts for over three quarters of federal court cases, is getting squeezed the most. In 2007, fewer than 7% of civil cases were more than three years old. By last year, that percentage more than doubled, with nearly 45,000 cases in a holding pattern.

While some of the case overload stems from mass litigation, such as damage claims from Hurricane Katrina in 2005, much of it traces back to the crowded criminal docket, say judges and other legal experts. The Constitution and the Speedy Trial Act of 1974 mandate criminal cases take precedence over civil cases.

Exacerbating the problem are vacancies on the federal bench. Despite the surge in case loads, the number of authorized federal judgeships has risen just 4% since 1990. Of the 677 district court judgeships currently authorized, about 9.5% are vacant.

Instead of waiting, many civil litigants are settling their disputes. That can be appropriate in many cases, but there is ''no shortage of plaintiffs who wind up taking inadequate settlements'' or businesses that make unnecessary payments to end the expense and uncertainty of litigation, says Ian Millhiser, a policy analyst at the Center for American Progress, a liberal think tank.

Elizabeth and Nicholas Powers were awaiting jury selection in their employment-discrimination suit against the University of Illinois when the federal judge assigned to the case earlier this year called a sudden halt to instead tackle a mounting series of criminal cases.

Their 2008 lawsuit, which named the Board of Trustees of the University of Illinois as defendant, alleged Ms. Powers received lower pay for her work than male employees. It also alleged Mr. Powers, who also worked for the university, was treated differently than the wives of male professors who worked at the school.

After the delay, the couple decided to settle for $85,000 rather than wait for a new trial. An attorney for the University of Illinois declined comment on the settlement.

The judge in the case, Mike McCuskey, who is also the chief federal jurist for the central district of Illinois, said in an interview he has no choice but to push back civil cases because of his criminal caseload. In 1997, federal court statistics show, Judge McCuskey's district had 55 civil cases that were pending more than three years. Last year, it had 1,200.

''Civil litigation has ground to a halt,'' Judge McCuskey said, adding that ''you've got a right to sue but you do not get a right to a speedy jury trial.''

The Illinois jurist blames the glut of criminal cases on a shift in jurisdiction. Many cases that once would have been handled by state courts, including those dealing with drugs, weapons and child pornography, are now being filed federally. Congress has passed statutes that duplicate existing state laws but often carry heavier sentences, an added attraction to law-enforcement officials.

One of the nation's heaviest loads can be found in the federal courts of the eastern district of California, which covers an inland swath from north of Los Angeles to the Oregon border. Its per-judge caseload is 1,129 and getting worse with the September retirement of Judge Oliver Wanger. Because he won't be replaced, his cases will be divided among those who remain.

One of Judge Wanger's cases was a lawsuit involving hundreds of people from a neighborhood in Merced, Calif., stemming from a 2006 flood and subsequent concern about toxic chemical contamination from a nearby industrial site.

In 2007, current and former residents filed suit in federal court against municipal entities and the former owners of the industrial site seeking damages.

Judge Wanger divided the case into smaller trials, which would allow him to intersperse those hearings with other ongoing cases. But only one of those civil trials has been held so far.

Mick Marderosian, the plaintiffs' attorney, said many of his 2,000 clients are waiting for a resolution of the case, now heading towards its fifth year. ''We get calls every day from clients asking what is happening, what is causing the delay,'' he said.

Kathy Ramos said she and her husband, a truck driver, spent $35,000 repairing their home after the flood. Her husband dropped plans to buy his own rig and the couple is still paying credit-card debts from the home-repair work. As for the lawsuit, ''we would just like to have it over with,'' she said.

To get around the eastern district's problems, the suit has been transferred to a federal judge in Santa Ana, Calif.

For two and a half years, Amy Bullock has been waiting for her day in court seeking damages for the death of her husband in a 2006 truck accident. Her suit was filed in Denver federal court two years later against Daimler Trucks North America LLC, formerly Freightliner LLC.

It has been postponed twice, once in November 2010, about two weeks before the trial was supposed to start, and again this October to make way for a firearms case.

''It was devastating to hear it was postponed,'' says Ms. Bullock.

Daimler disputes the merits of Ms. Bullock's claim, which revolves around the truck's safety design and whether it had adequate safety restraints in its sleeper compartment. Its attorney, Peter Jones, a Denver lawyer, nonetheless agrees that the delays represent ''a huge inconvenience to the clients and the witnesses who are involved on both sides.''

The trial is now scheduled for March 2012. Said the 41–year-old Ms. Bullock: ''I'm looking forward to having my day in court but, honestly, I feel like it may never happen.''

VERMONT'S REBUILDING

Mr. LEAHY. Mr. President, I want to talk for a few moments about the positive impact next year's Transportation-HUD appropriations bill is going to have on my home State of Vermont, particularly as we continue rebuilding from Hurricane Irene's destructive forces back in August.

I want to praise subcommittee chair PATTY MURRAY and ranking member SUSAN COLLINS. Their hard work and dedication ensures the final bill, filed last night, provides both appropriate funding for disaster relief accounts and also moves heavy truck traffic out of historic downtowns both in Vermont and in Maine.

As you and the others know, ever since Hurricane Irene, I have spoken over and over again on the floor of the Senate but also in meeting after meeting of the Appropriations Committee and probably in hundreds of hours in discussions with both Republican and Democratic Senators, especially on the Appropriations Committee, about the needs to Vermont.

Irene was devastating to our small State of Vermont. Both my wife and I were born in Vermont, and never in our lifetime have we seen anything like what we saw—record rains, and flash floods simply washed away homes, farms, businesses, roads, and bridges all over the State, including some that had been there for 100 years. Of all the body blows we suffered when Irene raked our State from border to border, repairing the damage to our roads and our bridges and our rail lines is one of our most urgent priorities, especially in a State in which we have already had substantial snowfalls.

The huge expense of mending our transportation network is well beyond the ability of a small State such as ours. When we tallied up the destruction, it became quickly very clear that Vermont is going to need more Federal help than the money that is now in the pipeline. In fact, we are not alone in that. The same can be said of other States ravaged by Irene.

With many Federal aid disaster programs underfunded, I am especially pleased that this bill contains $1,662 million to replenish the Federal highway disaster relief fund. That is going to help Vermont and the other States that were so badly damaged rebuild vital roadways and bridges. Of course, these connections are crucial to distributing aid, rebuilding our economy, and serving as a lifeline to small communities, and, working with Governor Shumlin, Senator SANDERS, Congressman WELCH, and community leaders across Vermont, it became clear right away that, given the mammoth destruction of the storm, certain waivers are going to be needed to allow States to have these emergency funds without unnecessary burdens or delays. We have made adjustments to these caps in the past after major natural disasters such as Hurricanes Katrina and Andrew and tornadoes in the South.

I traveled around the State the day after Irene. It was hard to believe it was such a beautiful day. The Sun was shining. It looked like the nicest summer day you could imagine, except that as the Governor and I and General Dubie, the head of our National Guard, went by helicopter, we would go along and we would see a beautiful road, houses, farms, a river running along one side, everything peaceful, and we would go about a mile, and all of a sudden the river was on the wrong side of the road and hundreds of yards of road had disappeared, there were gaping holes 50-, 100-, 150-feet deep and businesses, houses, barns in the river, destroyed. These are places that have not changed for 100 years but did in this. I remember saying to the Governor: We will get the aid.

I was already getting e-mails from some of my colleagues—both Republicans and Democrats—here in the Senate saying that Vermont had always supported their States when they had disasters, and they would support us. But the Governor and I and everybody else realized that we had to have waivers in the final bill to do the things we needed. They are essential to ensuring that Vermont can promptly begin work on emergency and permanent repairs sooner rather than later. It is the middle of November, and they no longer make asphalt after about the middle of November. Severe winter weather is right around the corner. So it will make it nearly impossible to rebuild before March or April.

When I proposed the waivers in this bill, I can't tell you how much I appreciated the fact that Senators MURRAY and COLLINS supported that, as did Republicans and Democrats alike, on the appropriations bill. It may seem like a small thing, but to our little State, it is the difference between economic disaster and being able to rebuild, and I can't thank Senators enough for supporting me on these waivers.

The bill also includes another high priority for Vermont: moving heavy trucks off the State's secondary roads and onto our interstate highways. Overweight truck traffic in our villages and downtown poses a threat to the State's infrastructure, but it is also an unnecessary safety risk to both motorists and pedestrians.

The Leahy-Collins provision in this bill will end the steady parade of overweight trucks in Vermont and Maine from rumbling through our historic downtowns and small, narrow roads that come within a few feet of schools, houses, businesses, and town greens. It will help Vermont businesses and communities struggling even more right now because of the large number of State and local roads already heavily damaged during the recent flooding.

When we first met in the Appropriations Committee and I first raised the needs of Vermont, I have to admit that I got emotional in that appropriations meeting, as I did here on the floor. It is because I saw my fellow Vermonters, some, people I have known literally all my life, who drew from their deep reservoirs of resiliency and resolve in the wake of Hurricane Irene; people helping people they don't even know but saying, ''That is the way we do it in Vermont''; people moving even before FEMA or anybody else came to help with the disaster, moving to make sure that people who might need to get to a hospital, even if we had to carve a road through woods for them, it would be done. This is the Vermont way.

But I was moved to tears going through the State and seeing things that I remembered as a child that had always been there and I assumed would be there all my life destroyed in a matter of hours.

These storms are going to enter the history books alongside the horrific floods of 1927 in our State—something I remember my grandparents and parents talking about. I remember my grandparents and parents saying: We hope we never see something like this again. They didn't, but their son did, and I can't tell you how much it hurt.

But I cannot tell you how much it means to me that, again, Senators joined with me in saying: We will find the money Vermont needs. Back in 1927, the National Government helped our State recover, as it should, because, after all, we are the United States of America. The American people come together in times such as these, just as Vermonters have always been among the helping hands extended to other States at their time in need. So the progress this bill makes in helping Vermont and other States meet their urgent needs is a testament to the determination of many in this body. Again, Republicans and Democrats have been willing to set aside ideological differences and partisan tensions to accomplish the work the American people expect from their government.

When I first proposed this increase in disaster aid not only for Vermont but for every other State, when I first proposed these waivers, I hoped they would happen. None of us knew whether they would. I am pleased now to see a bill where they have. It came about because Senators from all over the country of both political parties worked together. You know, I wish we had more of that in Washington these days. I would like to think that maybe this is a wonderful step forward and we are all going to benefit from it.

Mr. President, I know we are shortly to vote on the judicial nominations. I would ask the Chair how much time remains before that vote.

The PRESIDING OFFICER. There is 13½ minutes remaining before the vote.

Mr. LEAHY. Mr. President, just to notify other Senators, I am shortly going to suggest the absence of a quorum. I will then ask us to come out of the quorum at noon, and unless I hear that somebody wishes to speak on either of the nominees, I will then move that time be yielded back. I will

not do that until 12:00. But I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I see nobody on either side who wishes to speak. I ask unanimous consent all time be yielded back on the two nominations.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered on the nominations?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. Mr. President, when the first nomination is called up, I will ask for the yeas and nays.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Sharon L. Gleason, of Alaska, to be United States District Judge for the District of Alaska.

Mr. LEAHY. Mr. 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. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON), the Senator from Utah (Mr. LEE), and the Senator from Idaho (Mr. RISCH).

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

The result was announced—yeas 87, nays 8, as follows:

[Rollcall Vote No. 206 Ex.]

YEAS—87

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

NAYS—8

Blunt	Inhofe	Rubio
Crapo	McConnell	Vitter
DeMint	Paul	

NOT VOTING—5

Durbin	Lee	Warner
Isakson	Risch	

The nomination was confirmed.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Yvonne Gonzalez Rogers, of California, to be United States District Judge for the Northern District of California?

Mr. CORKER. 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 legislative clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON), the Senator from Utah (Mr. LEE), and the Senator from Idaho (Mr. RISCH).

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

The result was announced—yeas 89, nays 6, as follows:

[Rollcall Vote No. 207 Ex.]

YEAS—89

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

NAYS—6

Crapo	Inhofe	Shelby
DeMint	Paul	Vitter

NOT VOTING—5

Durbin	Lee	Warner
Isakson	Risch	

The nomination was confirmed.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. DURBIN. Mr. President, on vote Nos. 206 and 207, the confirmations of Sharon Gleason to be United States District Judge for the District of Alaska, and Yvonne Gonzalez Rogers to be United States District Judge for the Northern District of California, I was unavoidably absent. Had I been present, I would have supported the nominations and voted yea on both.•

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate stand in recess until 3 p.m. today.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. LEAHY. Of course.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Vermont.

NOTIFYING THE PRESIDENT

Mr. LEAHY. I thank the Chair. After decades of doing this, I should have remembered, of course, we have to notify the President. I recall one day, when we went into the beginning of the session and swore in new Senators, one was the new Senator from New York, Hillary Clinton. The President of the United States was sitting in the gallery. When we convened as a Senate, the usual notice was said to notify the President that the Senate has convened for that session, at which point several of my colleagues rather honorably pointed out the President: You do not have to notify him. He is sitting right up in the gallery.

RECESS

Mr. LEAHY. With that, Mr. President, I ask unanimous consent that the Senate stand in recess until 3 p.m. today.

There being no objection, the Senate, at 12:50 p.m., recessed until 3 p.m. and reassembled when called to order by the Presiding Officer (Mr. UDALL of New Mexico).

Mr. MENENDEZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Mr. REID. Under the previous order, the Senate will resume consideration of H.R. 2354, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2354) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE WITHDRAWN

Mr. REID. Mr. President, I have been authorized by the chairman of the Senate Appropriations Committee to withdraw the committee-reported substitute amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 956

Mr. REID. Mr. President, I have a substitute amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 956.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendment.'')

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to raise concerns about this amendment that would constitute a significant change to U.S. foreign and banking policies that should be carefully considered by the Senate Committee on Foreign Relations and the Senate Banking Committee.

These provisions have far-reaching foreign policy implications which make their inclusion in this bill unsupportable.

According to the State Department, ''Cuba has one of the world's most secretive and non-transparent national banking systems. Cuba has no financial intelligence unit.''

Moreover, according to an October 28 statement by the Financial Action Task Force, FATF, ''Cuba has not committed to the anti-money laundering and combating the financing of terrorism international standards. Cuba has also not constructively engaged with the Task Force, which has identified Cuba as having strategic deficiencies that pose a risk to the international financial system.''

This amendment would allow Cuba—the Banco Nacional de Cuba—to become the only country on the State Department's State-Sponsors of Terrorism list to have direct access to U.S.-based financial institutions.

We do not have similar exceptions for Iran, Syria, and Sudan.

It is important to understand that under Cuban law the Castro regime has a monopoly on all banking, commerce, and trade.

Therefore, this amendment would allow Cuba's totalitarian regime to directly open corresponding accounts in U.S.-based financial institutions.

It would allow a country that does not subscribe to basic principles of antimoney laundering and counterterrorism to make direct transfers to U.S. financial institutions!

Currently, the Castro regime is required to use a third country European bank to settle its payment for U.S. agricultural products.

If there are clearance problems, the U.S. settlement is entitled to protection under the terms of contract with Euroclear—the European clearance and settlement agency.

If direct bank transfers are allowed, these transactions would be provided protections from operational risk by the Cuban originator of payment.

Also consider the timing of these provisions, these concessions, these gifts to the regime.

As American commercial interests buy their way into the Cuban market, an American—Alan Gross—remains a hostage in Cuban prison.

His crime? Working with U.S. democracy programs to enhance the ability of the island's small Jewish community to communicate with the world.

December 3 will mark 2 years of his unjust imprisonment—2 years that Alan Gross has been a hostage of the Cuban regime.

Recent months have also seen a notable crackdown on peaceful democracy activists, like Las Damas de Blanca—the ladies in White who take to walking in the streets every Sunday to protest the political imprisonment of their husbands, brothers, and sons.

Last month, the founder of Las Damas de Blanca, Laura Pollan Toledo died, not ever knowing a free Cuba.

In March 2003 the he regime arrested her husband, Hector Maseda, an independent journalist, along with 74 others in a protest known as the Black Spring. After a 1-day trial, Hector Maseda was sentenced to 20 years in prison.

Laura Pollan Toledo's life, rallying the wives of Cuban dissidents jailed under the iron fist of the repressive Castro regime, gave Cuba hope and she became one of Cuba's most public and most powerful dissidents.

She continued her work, as do those who follow in her footsteps, despite intense harassment, beatings and detentions.

In one case, in the city of Santiago de Cuba, these ladies were stripped to their waist and dragged through the streets.

In another instance they were bitten.

Just last week, on November 8, over a dozen Cuban prodemocracy activists were violently arrested for participating in a peaceful public sit-in demanding the release of all political prisoners and an end to the Castro regime's violence against the opposition.

Among those arrested were Jorge Luis Garcia Perez ''Antúnez,'' Pastor Alexei Gómez, Rene Quiroga, José Ángel Abreu, Oscar Veranes Martínez, María del Carmen Martínez, Donaida Pérez Paseiro, Xiomara Martin Jiménez, Jorge Vázquez Chaviano, Orlando Alfonso Martínez, Enrique Martínez Marín Mayra Conlledo García and Victor Castillo Ortega.

The Cuban people, like those struggling for democratic reforms in the Middle East, yearn for the opportunity to control their destinies and provide a vibrant future for their children.

The message we should send to such regimes—whether in Cuba or Syria, North Korea or Iran, is that they are pariahs—that their blood money has no place in our economy—that the currency of freedom prevails over the currency of repression.

The United States will continue in its mission to support the Cuban people and to promote democracy until the Castro brothers relinquish power and restore the rights and liberties deserved by the Cuban people and by all people.

But these provisions don't move us or the Cuban people closer to that goal—and must be rejected.

Therefore, along with my colleagues, Senator NELSON and Senator RUBIO of Florida, I raise a rule XVI point of order against the pending substitute amendment.

The PRESIDING OFFICER. The point of order is well taken and the amendment falls.

The majority leader.

Mr. REID. Without losing my right to the floor, I yield 3 minutes to the Senator from Florida, Mr. NELSON.

Mr. NELSON of Florida. I thank the majority leader. I will not take the 3 minutes but just to say my objection is the same as the Senator from New Jersey and my colleague from Florida, Senator RUBIO.

The fact is, the provision in the bill would allow direct payments between U.S. sellers and Cuban buyers of agricultural goods. Under the existing restrictions, U.S. exports to Cuba have fallen dramatically in the last few years, largely due to the regime's shortage of hard currency. In other words, the sanctions are working. Now is not the time to relax U.S. economic sanctions, particularly while we see on this planet Earth in 2011 a repressive regime such as the one in Cuba and the one that continues to hold Alan Gross.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Without losing the floor, I yield 3 minutes to the Senator from Florida, Senator RUBIO.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I wish to thank the majority leader for that. I will be brief. I think my colleagues touched upon it and the public policy behind this.

Lost in all the things happening around the world that are very important, I think we need to remind ourselves that a few miles off the coast of

the United States the most repressive government in the Western Hemisphere conducts its business and is able to fund it through a lot of this interaction going on as we speak between commercial interests in the United States and in Cuba.

By the way, I know these are folks in business and are not doing anything with bad intentions, but the practical intention of this agreed interaction with the Castro regime is hard currency—money they take and use to pay for this repressive arm. This is happening at a time when we have seen this year more repression than we have in recent years as the Castro government continues to fear it is losing its grip on power and on influence over its own society.

I would say I am supportive of what Senator MENENDEZ is trying to do, and I urge our colleagues to keep a watchful eye on what happens in Cuba.

Mr. REID. Mr. President, let me take a moment to explain what has happened.

I offered the substitute amendment to include versions of the Energy and Water, Financial Services, and State/Foreign Ops appropriations bills that the Senate Appropriations Committee, on a bipartisan basis, had reported. Senator MENENDEZ then raised a point of order against that substitute amendment. He had a right to do that. Senator MENENDEZ has explained he objects to provisions of the committee-reported Financial Services bill that were linked to Cuba. That has been underscored by my friend Senator BILL NELSON of Florida, and my friend MARCO RUBIO from Florida.

The amendment I just offered is exactly the same as my last substitute amendment in the last minibus, except that it does not include the Cuba-related provisions to which Senator MENENDEZ objected. It deletes sections 620 and 624 of the Financial Services bill reported to the Senate. I hope this amendment can give us the basis to move forward on this bill.

AMENDMENT NO. 957

Mr. President, I have a substitute amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 957.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. I ask unanimous consent that amendment No. 957, which consists of the text of the withdrawn committee-reported amendment as division A, the text of S. 1573 with the exception of sections 620 and 624, to which I have just referred, Calendar No. 171, as division B and the text of S. 1601, Calendar No. 179, as division C; provided further that H.R. 2434, as reported by the House Appropriations Committee and division C of amendment No. 957, be deemed House-passed text in H.R. 2354 for purposes of rule XVI; finally, that amendment No. 957 for the purposes of paragraph 1 of Rule XVI be considered a committee amendment.

The PRESIDING OFFICER. Is there objection?

The Senator from Kansas.

Mr. MORAN. Reserving the right to object, Mr. President, I am a member of the Appropriations Committee, and a member—in fact, the ranking minority member—of the Financial Services and General Government Subcommittee. The amendment the majority leader offered, that excluded the provisions related to Cuba, was an amendment that was adopted by the full Appropriations Committee in a very bipartisan way. In fact, the vote was two-thirds to one-third—20 votes in favor, 10 votes against.

The provisions that have been struck by the procedure that has occurred today are the final implementation of legislation that was passed by this Congress in 2001 in which we provided for the first time the sale for cash upfront of agricultural commodities, food, and medicine. It has always been my view, when we fail to sell agricultural commodities to Cuba, we only harm ourselves. Again, the amendment that has been eliminated from consideration today, through this process, would implement the ability for money to be transferred to the United States by a Cuban bank for purposes of paying for that sale upfront.

We have worked closely with the administration, with the Treasury Department, to make certain that nothing contained or nothing that would be contained in this provision would be objectionable to the security or the financial safety and soundness of our country. So with the process that has occurred, while there could have been many rule XVI points of order made today, one was made that defeats the will of the majority of our committee, and I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I have a full statement that I want to give as to why I am going to move through the next process, but I understand my friend from Louisiana is here. Before going to him, I ask for the yeas and nays on the substitute amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. Mr. President, without losing my right to the floor, I yield to my friend from Louisiana for 3 minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. I thank the majority leader, and I also rise to object to the motion for completely different reasons than my colleague from Kansas. I rise to object, and several join me in this view, because I believe these additional appropriations bills, which we are trying to bring to the floor, simply spend too much money.

Our greatest challenge as a nation right now is our economy. A big part of that challenge is the fact that we have completely unsustainable Federal spending and deficit and debt. Yet in the midst of all that, these appropriations bills spend more money than we are spending already, not less.

Every American with any common sense knows when they are in a deep hole, the first step one takes is to stop digging. We as a country are in a deep fiscal hole, but these bills have us continuing to dig further. The three bills the majority leader wants to bring to the floor together spend $6 billion more than we are spending now.

We are spending more, not less, even though we are $15 trillion in debt. That is simply continuing to dig when we are in a deep fiscal hole.

Also, when you look at some of the details of this spending, it makes it even more offensive to millions upon millions of Americans—allowing funds for overseas groups that perform abortion, allowing taxpayer-funded abortion in the District of Columbia, allowing elective abortions in the Federal Employee Health Benefits Program, allowing funding of abortion by the Peace Corps, and $40 million for the U.N. Population Fund, which is deeply involved in China's proabortion population control program.

I think it is a deadly combination in more ways than one. We are continuing to dig when we are already in a deep hole, and then, when you look at the details of the spending, so many parts of that in and of themselves are deeply offensive to tens of millions of Americans. Based on that and joined by many conservative colleagues of the Senate, I also object.

I yield the floor.

The PRESIDING OFFICER (Mr. BINGAMAN). The majority leader.

Mr. REID. Mr. President, the bills we brought before the Senate—Energy and Water, Financial Services, Foreign Operations—are all within the agreement we made in July, the deficit reduction package, debt ceiling package we passed. It passed the Senate, passed the House, was signed by the President. So my friend from Louisiana is trying to renegotiate something that was passed after we did 3 months' work on it.

I regret that there has been objection to my request, but what I just sought was the same understanding we had in the last appropriations measure, which worked pretty well. We passed those three bills. The conference should be completed momentarily. We will have to vote on that this coming week. Included in that is the CR to fund the government until sometime in the middle of December. But there has been an objection to proceeding along those same lines.

Everything that was raised by my friend from Louisiana—is what the amendment process is all about. But we wanted it to be the way we have

done it in the past—that on these appropriations matters, the amendments would have to be germane. But he was unwilling to live by that standard and offered amendments that had nothing to do with the underlying bill. That is what the American people can't stand.

The Senate has rules that govern appropriations measures. These Senate rules are necessary because appropriations matters are must-pass bills, and we need some rules to prevent them from becoming Christmas trees. The Senate rules thus prevent nongermane amendments, and the Senate rules prevent legislating on appropriations bills. So those two things have the protection only on appropriations bills. If we didn't have these rules, these appropriations measures would become unmanageable.

So what I sought with my unanimous consent request was to create an environment where the regular rules of the Senate for appropriations measures could be in effect. Regrettably, we didn't get that agreement. If we did those bills individually, that would be automatic.

Without such an agreement, though, we have another thing about which we have to worry: Funding for the government runs out at the end of this week. So before we leave this week, the Senate needs to pass the continuing resolution contained in the conference report on the Agriculture appropriations bill, which also included other appropriations matters. We can't allow the Senate to get tied up in knots in a way that would prevent us from getting that work done.

As I said this morning, I have made a commitment to Senators LEVIN and MCCAIN that we are going to move to the authorization bill as soon as we finish this appropriations package, and I intend to do that. So we will engage in further discussions about how we can move forward with these important measures. In the meantime, we need to take steps to at least temporarily hold matters where they are. So, as I indicated, I have the yeas and nays pending on the substitute.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 958 TO AMENDMENT NO. 957

Mr. REID. I have a first-degree amendment which is perfecting in nature at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 958 to amendment No. 957.

The amendment is as follows:

At the end, add the following new section: SEC ____.

This Act shall become effective 7 days after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 959 TO AMENDMENT NO. 958

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendment numbered 959 to amendment No. 958.

The amendment is as follows:

In the amendment, strike ''7 days'' and insert ''6 days''.

AMENDMENT NO. 960 TO AMENDMENT NO. 957

Mr. REID. I have an amendment at the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendment numbered 960 to the language proposed to be stricken by amendment No. 957.

The amendment is as follows:

At the end, add the following new section: SEC. _____.

This Act shall become effective 5 days after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 961 TO AMENDMENT NO. 960

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 961 to amendment No. 960.

The amendment is as follows:

In the amendment, strike ''5 days'' and insert ''4 days''.

MOTION TO RECOMMIT WITH AMENDMENT NO. 962

Mr. REID. I have a motion to recommit the bill with instructions. That is also at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to recommit the bill (H.R. 2354) to the Committee on Appropriations, with the instructions to report back forthwith, with amendment numbered 962.

The amendment is as follows:

At the end, add the following new section: SEC. __.

This Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 963 TO AMENDMENT NO. 962

Mr. REID. I have an amendment to the instruction at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendment numbered 963 to the instructions of 962 of the motion to recommit H.R. 2354.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The amendment is as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

AMENDMENT NO. 964 TO AMENDMENT NO. 963

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 964 to amendment No. 963.

The amendment is as follows:

In the amendment, strike ''2 days'' and insert ''1 day''.

Mr. REID. Mr. President, I indicated during the last week that I did not want to have to fill the tree. It is unfortunate that an objection was raised. We were able to move forward, as I indicated, in the last so-called minibus with three appropriations bills made into one. So we are now in a situation where we have no way to move forward unless we have an agreement on the underlying bill, which is the Energy and Water bill.

I have some knowledge of that bill. I was on the Appropriations Committee from the day I came to the Senate, and I worked on that subcommittee for many years—several decades—and I was chairman of that subcommittee quite a few times. I worked with Senator Domenici when we would go back and forth as to who was the Chair, and we worked extremely well together. We were able to get the bill done quickly and satisfy the needs of the Members of this body.

If I can have the efforts of my friends, Senator FEINSTEIN and Senator ALEXANDER, to move forward on this in a way that we can have some view of how we can end this legislation fairly quickly, with the ability to have amendments, I would have no problem because, as I have indicated, we have a lot of things to do before we leave here.

We cannot come back here in December with a lot of unfinished business. I talked to my caucus today about the Defense authorization bill. I think we have to finish that bill before we leave here for Thanksgiving. So we have the minibus conference report, we now have this Energy and Water appropriations bill, which I believe is so important, and we have, of course, the Defense authorization bill. So I say to everyone here, if we can work something out, good. I hope we can.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I wonder if I might respond through the Chair to the majority leader.

I have been consulting with the chairman of our committee, and on the

Republican side, we understand what the majority leader is saying. What I hear him saying is that we have some important work we have to do this week. He wants to move to the Defense authorization bill before the end of the week. We have a conference report that includes a continuing resolution. He wants that acted on before the end of the week.

Our hope is that we can deal with the Energy and Water bill today and tomorrow. I am beginning to ask our Republican Senators—and Senator FEINSTEIN can speak for herself, but she is doing the same with Democratic members—I am asking them to get their proposed amendments to the floor this afternoon, if at all possible, so we can give the majority leader some idea of how many amendments there might be so he can evaluate how to proceed. So we appreciate the opportunity to do that. We believe that doing the appropriations bill is the basic work of the Senate. This is important both from a defense and a nondefense point of view. It had broad support in our committee, and so far, I have not found anyone on our side who isn't agreeable to moving quickly on it. I will know more at the end of the afternoon, and I will report to the majority leader about the Republican side.

I ask my colleagues who are listening to please bring their amendments to the floor this afternoon as soon as possible.

Mr. REID. I have absolute confidence in the chairman and ranking member of the subcommittee. They are two of our finest. They have a reputation here of working to get things done on a bipartisan basis, and that is certainly necessary on this most important piece of legislation.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, if I understand this correctly, it is, as Senator ALEXANDER has stated, that the effort is to, under a germane rule, have the Energy and Water appropriations bill brought to the floor. If that is achieved, then all Members, including Democratic Members, should get their amendments to the floor as soon as possible.

We know what this week is like. We know the Defense authorization bill has to come to the floor. We know there are other items that have to come to the floor this week. Therefore, I hope that this effort is successful and that we will be able to begin to work on our bills.

Mr. ALEXANDER. I thank the chairman.

Mr. President, that is exactly right. Just so Senators know, Senator REID has filled the tree, but what we hope to persuade him is that we know the number of amendments we have and that he doesn't need to do that. He is perfectly able to withdraw that. And I know several of our Republican colleagues are discussing this afternoon how many amendments they want to offer, and it is my hope that we will soon be able to start voting on those amendments, vote on them tomorrow, and finish the bill sometime tomorrow.

Mrs. FEINSTEIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING EVELYN H. LAUDER

Mrs. FEINSTEIN. Mr. President, I rise to remember the life and to honor the legacy of a remarkable woman—an advocate for breast cancer research and awareness, a philanthropist, a savvy businesswoman, an accomplished photographer and author, a wife, a mother, a grandmother, and a dear friend, Evelyn Lauder.

Evelyn lost her courageous battle with ovarian cancer on Saturday. She is survived by her husband of 52 years, Leonard Lauder; her sons, William and Gary; and five grandchildren.

In many ways, her life parallels the familiar immigrant story of 20th-century America. It is the story of a woman who escaped Nazi Europe, voyaged to the United States of America, and proceeded to enrich this country in countless ways.

Evelyn Hausner was born on August 12, 1936, in Vienna. She was the only child of Ernest and Mimi Hausner. When Hitler annexed Austria in 1938, the family fled to Belgium with just a few sentimental belongings. Later, the family relocated to England during the Blitz.

In England, Evelyn's mother was sent to an internment camp on the Isle of Man. Evelyn was sent to live in a nursery. Eventually the family was reunited, and in 1940 they set sail for New York City.

Evelyn often told a story about arriving in New York Harbor at the dawn of the Second World War. She said:

> My mother woke me up really early in the morning to see the Statue of Liberty. That's a sight I will remember all my life.

She fell in love with New York that morning and would give back to her adopted city for the next seven decades.

She was a proud product of the New York City public school system. As a freshman at Hunter College, she met her future husband on a blind date. Leonard Lauder was the son of Estée and Joseph Lauder, the owners of what then was just a small, family cosmetics business.

Evelyn was a public school teacher for several years, and in 1959 she formally joined Estée Lauder, pitching in wherever she was needed. As the company grew to become an international conglomerate, so, too, did Evelyn's role and influence. She held many different positions at the company over the years.

One of the earliest projects she tackled was to create the company's training programs. She enhanced the Estée Lauder product lineup by adding new colors and products that appealed to a range of complexions and skin types. She had great instincts about new trends, about the needs of a consumer, and about the development of skin care and cosmetics. In fact, it was Evelyn who helped launch the name ''the Clinique brand.''

In the last 25 years, she focused on fragrance—a lifelong passion she shared with her famous mother-in-law that stemmed from her love of flowers and gardening.

In 1999 and again in 2007, she was recognized as one of New York's 100 Most Influential Women in Business by Crain's New York Business.

Evelyn was diagnosed with breast cancer in 1989 and soon became a tireless advocate for women's health. True to form, she was reluctant to publicly discuss her own condition. ''My situation doesn't really matter,'' she told a reporter in 1995. Instead, she chose to channel her energy and attention into helping raise money and educate women with less access and information about the disease. In 1989, as a member of the board of overseers at Sloan-Kettering Cancer Center in New York, she initiated a fundraising drive that raised more than $18 million to establish the Evelyn H. Lauder Breast Center, the country's first ever breast and diagnostic center. The center opened in 1992 and is a model for similar facilities around the world.

In 1992 Evelyn developed the iconic pink ribbon, which we all know today as the worldwide symbol of breast health. She spearheaded the distribution of millions of pink ribbons and breast self-exam instruction cards at Estée Lauder cosmetic counters all across the country. Her efforts elevated breast cancer awareness in the public consciousness, and almost two decades later more than 115 million pink ribbons and millions of educational brochures and bookmarks have been handed out around the world.

In 1993 she turned her attention to supporting the world's leading medical and scientific researchers and established the Breast Cancer Research Foundation to address the crucial lack of breast cancer research funding. Under her leadership, the foundation has grown to become the largest national organization dedicated exclusively to funding research relating to the causes, treatment, and prevention of breast cancer. To date, this foundation has raised $350 million, and supports 186 researchers around the United States, Canada, Latin America, Europe, the Middle East, Australia, and China.

In 2000, Evelyn Lauder launched the Global Landmark Illuminations Initiative. We have all enjoyed seeing historic landmarks illuminated in pink lights during the month of October. Each year, more than 200 prominent landmarks around the world participate. Evelyn has bathed the Empire State Building, Niagara Falls, the Tower of London, the Leaning Tower of Pisa, and the Tokyo Tower in pink lights.

There was another side to Evelyn. She was an accomplished photographer with a keen eye and ability to capture extraordinary images. I have two of her photographs and treasure them. Her photography included rainbows rising from the Pacific Ocean, snow scenes in Colorado, patterns created by light reflecting on water, and landscapes in Chile, Tuscany, and the south of France, among others. Evelyn's works were featured in exhibitions at art galleries in London, Paris, Jerusalem, Barcelona, and Beijing, and well-received exhibitions in New York, Los Angeles, Seattle, and my hometown of San Francisco. She also published two books of photographs and had her work featured in many publications, including American Photo, House & Garden, the Oprah Magazine, and Town & Country.

Evelyn was modest and self-effacing, but she donated all proceeds from her photographic exhibitions and royalties from her books to the Breast Cancer Research Foundation.

Evelyn Lauder was one of a kind. She was a beautiful woman. I knew her. I remember Evelyn, her husband, my husband, and me sitting around a small table in a small Italian restaurant in New York City. I looked across that table at this beautiful woman and all that she has done in her lifetime. It is truly amazing. Her life may have begun under challenging circumstances but she became one of the country's most generous philanthropists and accomplished businesswomen. She was fun, she was smart, she was talented. She was a devoted wife, mother, grandmother, and friend. She was a remarkable American woman. She will be missed.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNET SALES TAX

Mr. ALEXANDER. Mr. President, last week the Senator from Wyoming, Mr. ENZI, and the Senator from Illinois, the Democratic whip, introduced a piece of legislation which is called the Marketplace Fairness Act. In doing so, I think they solved a problem that has persisted in almost every State in the Union and that Congress has had a difficult time dealing with for the last 10 years. The problem is what do we do about State sales taxes which everybody owes every time they make a purchase.

If you buy a television set at the local appliance store in Tennessee you owe Tennessee sales tax. If you buy it online you still owe the sales tax. The difference has been that the local retailer is required to collect the sales tax, and does, and sends it to the State, but the online vendor, let's say Amazon, is not required to collect the sales tax and so it does not.

So, like most individuals—I bought a television set from Amazon earlier this year. At the end of the year, I would need to file a form with our State government and say I bought it, acknowledge that they didn't collect the sales tax, tell the State I owe the sales tax on my purchase, and pay it. The truth is most Americans do not do that. That is a $23 billion a year tax avoidance, a great big tax loophole.

One may ask why has that loophole not been closed. We hear a lot of talk about loopholes around here and we know States want to have dollars right now, either to lower taxes or pay for services, and most of us think we should not prefer one business over another business or one taxpayer over another taxpayer. The problem is 20 years ago the technology did not exist to make it easy for an online or remote vendor to collect the sales tax in the same way the local shoestore or local vendor collects it, so the Supreme Court said it would be an undue burden on interstate commerce.

Here is the loophole in practical terms. I called the owner of the Nashville Boot Company last week after we introduced the bill, Frank Harwell. At the beginning he sold cowboy boots online. I think it is the Nashville Cowboy Boot company. But he sold boots online, and he said he sold as much as $400,000 a year of cowboy boots online. That was his major business. When he began, he was about the only one doing that, and I assume if you wanted cowboy boots, Nashville sounded like a good place to buy them, so he was doing all right. Now he said there are about 200 people selling boots online and so he does most of his boot selling out of his store. He has a store in Belle Meade Plaza right next to where I take my granddaughter to breakfast on Saturday mornings.

This is what he says happens to him. He says people come into the Nashville Cowboy Boot company store and they try on the cowboy boots and then they go home and buy them online because they don't have to pay the sales tax. They owe the sales tax, but, as I said, the online sellers are not required to collect it and many taxpayers fail to pay it even though they owe it.

Now we are not talking about Internet tax here. The Senate had a great big debate on the Internet access tax a few years ago. I was right in the middle of that. By the time we got through with it, we had a compromise and we put a moratorium on new Internet access taxes. So we are not talking about taxing the Internet or a new Internet tax. We are talking about the plain old State sales tax that everybody—except in five States, one of them being New Hampshire, which doesn't have a sales tax—in 45 States owes.

I have been very pleased with the reception I have heard to the bill introduced by Senator ENZI and Senator DURBIN. It has five Republican cosponsors. I am one of them. It has five Democratic cosponsors. We hope there will be more. Many of the people who saw problems with earlier attempts to fix the bill believe this legislation solves the problem. Some of the early bills were large. This bill is 10 pages. It is very simple. If the problem was it was too complicated for remote sellers to collect the online tax, they fixed that. They have said if Tennessee wants to require remote sellers like Amazon to do the same thing the local boot company does, it has to provide Amazon with software that will make it simple for Amazon to collect the tax.

When I want to know the weather in my hometown outside of Maryville, TN, I simply put in weather and the ZIP Code 37886, and back comes the information. That is all a remote vendor will have to do. It will put in LAMAR ALEXANDER, cowboy boots, whatever they cost, the ZIP Code, and the computer software will figure out the state and local sales tax and report it to the vendor, and the vendor will send the money electronically to whatever State. So the old problems don't exist.

I saw an article in the Wall Street Journal today which I thought was very well balanced. It takes a whole page. States require online retailers to collect sales tax. Yes, it is fair. No, it protects small firms. I am not going to put this in the RECORD, but I do want to take issue with one argument among those who said: No, it protects small firms. Two arguments, really.

One, the Enzi-Durbin legislation has a $500,000 exemption. So my friend in Nashville, who was the only, and I guess for a while, leading seller of cowboy boots online never made more than $400,000 in revenues. He said, I could tell that. So if he doesn't have more than $400,000 or $500,000 in revenue, he is not even affected by this legislation that gives States the option to decide what to do.

Second, this says the legislation would overturn the Supreme Court ruling of 20 years ago. That is not accurate. It does not overturn anything. What the Supreme Court said 20 years ago was that with the state of technology that existed with so many different taxing jurisdictions, it was an undue burden on interstate commerce for States to require online sellers to collect the tax that was owed. This is what the Court said:

This aspect of our decision is made easier by the fact that the underlying issue is not only one that Congress may be better qualified to resolve, but also one that Congress has the ultimate power to resolve. No matter how we evaluate the burdens that use taxes impose on interstate commerce, Congress remains free to disagree with our conclusions.

Then it said:

Accordingly, Congress is now free to decide whether, when, and to what extent the States may burden interstate mail-order concerns with a duty to collect use taxes.

This is not overturning anything. It is simply responding to the invitation by the Supreme Court 20 years ago that said: As we look at it, this is too big a burden. That was back when there were thousands of taxing districts and no easy way to collect the money. But it did say that Congress had the right to decide what represents a burden. What this bill says is, there are two ways States may do this. There is the Streamlined Sales and Use Tax Agreement where about half the States have joined together and said, we will create a single way to allow online vendors to operate, or the State of Kentucky may say, we don't like what they are doing, we will create our own way. As long as it is a simple way, a single return, a single audit, and the State provides the software, then the State has that option. That is why Amazon decided last week that it supported the Enzi-Durbin bill.

On the Republican or conservative side, there have been a lot of people who said, wait, this is about taxes. Well, it is about taxes, but it is about taxes in a way that conservatives like to talk about. We like to say we don't like it when the government policy prefers some taxpayers over others, or some businesses over others. We also, on this side of the aisle, believe in States' rights, and this bill doesn't decide anything. It simply empowers States to make their own decisions about taxes.

In our State, for example, we have one of the lowest tax burdens, but we have the highest State sales tax. If we are able to collect $300 million, $400 million, $500 million more in Tennessee from this tax that is now avoided because of the loophole, there could be proposals to reduce the sales tax rate or reduce some other tax. Certainly the money will help to avoid the arrival of a State income tax, which is about the most hated word in our tax vocabulary in Tennessee.

I ask unanimous consent to have printed in the RECORD some of the responses that have come since last week. The Memphis Commercial Appeal editorial which urged that Congress close this longstanding loophole in the current tax law. ''It's the right thing to do.''

Greg Johnson, a conservative columnist in the Knoxville News Sentinel said: ''Online sales tax bill would level the playing field.'' His article refers to the fact that 10 years ago William F. Buckley, Jr., whom he calls the father of modern conservatism, opined to the National Review about this problem and that it needed a result.

The same sort of argument was made by Al Cardenas, head of the American Conservative Union, who wrote an article last week and said this needs to be fixed and supports a bill such as the one we introduced.

There is also an editorial from the Seattle Times, an editorial from the Paris Post-Intelligencer, an editorial from the Denver Post, and one from Belleville in Illinois. All of these make the same points.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Commercial Appeal, Nov. 13, 2011]

A LEVEL FIELD FOR RETAILERS

REQUIRING ONLINE AND CATALOGUE RETAILERS TO COLLECT SALES TAXES COULD HELP THE STATE REACH WORTHWHILE GOALS

When was the last time you sent a check to state government for the sales tax you owed for an online purchase?

More to the point, did you know you were supposed to?

Join the club.

Tennessee Sen. Lamar Alexander has come up with a way to relieve shoppers of a responsibility many of us don't even know we have.

Alexander has predicted passage of the bipartisan Marketplace Fairness Act, whose co-sponsors include five Democrats and five Republicans, including Sen. Bob Corker of Tennessee.

The bill would require online and catalogue retailers to begin collecting and remitting state sales taxes.

In Tennessee, annual revenue from online sales tax collections has been estimated at between $300 million and $400 million.

In a 2009 study, University of Tennessee-Knoxville economics and business professors estimated that $52 billion in potential revenues will have been lost in 46 states and the District of Columbia over a six-year period through 2012 because taxes on online sales are not being collected.

The measure's primary appeal is one of fairness—the elimination of an unfair advantage online sellers have over large and small brick-and-mortar stores.

Very small businesses would be protected by an exemption that covers annual online sales of less than $500,000 in the Senate version of the bill, or $1 million if the House version is adopted.

The benefits to a state such as Tennessee could be significant.

The state's public college students were hit by annual tuition and fee increases that ranged from 7.4 percent to 13.7 percent for the current school year.

Increases for the 2012–13 school year will seem even worse than usual next fall if the General Assembly decides to cut back on the eligibility standards and/or the size of state lottery scholarships.

An expansion of the TennCare rolls called for by the federal Patient Protection and Affordable Care Act of 2010 will be offset to some extent by a larger federal match, but TennCare officials have predicted that the state will have to cover at least part of the expansion.

And with new revenue from online sales, Tennessee could also consider the elimination of its sales tax on food, one of the most regressive aspects of the state revenue system.

Passage of the measure also would move up the date on which Tennessee could begin receiving revenue on sales from Amazon's new Tennessee distribution centers.

Under an arrangement worked out between Gov. Bill Haslam and the company, those collections currently aren't due to begin, absent federal standardization, until 2014.

In fact, Amazon, which has been seeking sales tax relief in several states as part of its decision making process regarding new sites, has turned out to be a supporter of the Alexander bill.

There is software available to ease the transition for online retailers—nothing, in fact, to prevent Congress from closing this long-standing loophole in current tax law. It's also the right thing to do.

[From Knoxnews.com, Nov. 11, 2011]

ONLINE SALES TAX BILL WOULD LEVEL PLAYING FIELD

(By Greg Johnson)

Almost exactly 10 years ago, William F. Buckley Jr., the father of modern conservatism, opined in the National Review about the vexing problem of e-commerce and the collection—or lack thereof—of sales taxes by state governments. Buckley stood firmly athwart principled, conservative convictions against any tax on Internet usage.

But when it came to the collection of taxes on Internet purchases, Buckley saw how the growth in online commerce was changing the world of retail sales and how local businesses were being harmed by the uneven playing field on which out-of-state vendors did not collect sales taxes.

''The estimated commerce done by the Internet in 1998 was $9 billion,'' Buckley wrote. ''Last year (2000) it was $26 billion. Which means we have to come to earth and face homespun economic truths. If the advantage of tax-free Internet commerce marginally closes out local industry, reforms are required.''

U.S. Sen. Lamar Alexander, R–Tenn., proposed such reform this week, co-sponsoring the bipartisan Marketplace Fairness Act. ''The reason I'm a co-sponsor is that it's a states'' rights issue,'' Alexander said in a Wednesday conference call. ''(The bill) gives the state of Tennessee the right to decide how to collect or not to collect its own state sales tax.''

Alexander noted how bricks-and-mortar retailers are at a disadvantage. ''Main Street sellers are up at arms because they have to collect a tax when they sell a television set or a computer, and online sellers don't,'' Alexander said. ''(This legislation) ends the subsidy of some businesses over others.''

Gov. Bill Haslam backs Alexander. ''The Marketplace Fairness Act will bring much-needed, and long overdue, relief to the state of Tennessee,'' Haslam wrote in a letter to Alexander. ''Tennessee and other states are currently unable to compel out-of-state businesses to collect sales taxes the same way local businesses do.'' The University of Tennessee's Center for Business and Economic Research estimates the state loses more than $300 million per year in uncollected revenue.

While Ebay opposes the bill, Paul Misener, Amazon's vice president for global public policy, pledged support, writing to Alexander, ''Your bill will allow states to obtain additional revenue without new taxes or federal spending and will make it easy for consumers and small retailers to comply with state sales tax laws.''

Alexander moved to pre-empt fire from the right. ''Conservatives understand (collection from online vendors) is not a new tax. It is a tax that already exists. It is not an Internet tax,'' Alexander said. ''This is an existing tax on all sales, and it is not fair to charge it to some taxpayers and not others. It is not fair to discriminate against stores in Tennessee in favor of stores outside Tennessee.''

A decade ago, Buckley embraced reality when online sales were $26 billion and local industry was being crowded out by uneven and unfair application of existing tax laws. Last year, online retailers sold $142 billion in merchandise. As Buckley wrote and Alexander recognizes, reforms are required.

[From the Seattle Times, Nov. 11, 2011]

BILL TO TAP INTO ONLINE SALES-TAX REVENUE MAKES SENSE

The Seattle Times editorial board supports the Marketplace Fairness Act, which would allow states to collect sales taxes on mail-order and online purchases across state lines.

Washington's delegation in Congress, Democrat and Republican, should support the Marketplace Fairness Act, a bipartisan Senate bill that would allow states to collect sales taxes on online and catalog purchases across state lines.

For years, Washington residents have escaped sales taxes by buying online. People have enjoyed doing this, brushing aside the irksome thought that they were short-changing local merchants, wiping out local jobs and undermining local governments. When the Internet was small and times were good, their irresponsibility could be overlooked. No longer.

In the two-year period ending June 30, 2013, Washington state government is in a $2 billion hole. Counties and cities also suffer. The Department of Revenue estimates that passing the Marketplace Fairness Act will bring state and local government $483 million in new money in the next biennium. The effect in this biennium would be less but still meaningful.

Every hundred million dollars counts.

Most states have an income tax. Our state does not, and has voted four times against one. If a sales tax is what the people want, they must update it for the 21st century—and in an Internet world, that means collecting the tax across state lines.

This state is also the home of the most successful Internet retailer, Amazon. For several years, Amazon has fought efforts of other states to collect sales taxes. Despite Amazon being a neighbor to The Seattle Times, we have criticized its position.

Amazon now changes. It has endorsed the Marketplace Fairness Act. This is strategically smart, and it is welcome.

''Amazon's coming out in support is huge,'' says Russ Brubaker, assistant director of the Department of Revenue in Olympia.

Interstate sales-tax bills have been offered before, by Democrats. Brubaker notes that the new bill, sponsored by Sen. Dick Durbin, D–Ill., now has an equal group of Republicans behind it, including Sen. Lamar Alexander of Tennessee.

''Having him on that bill makes a big difference,'' Brubaker says.

This is a bill that makes sense. The timing is right. Our delegation should support it, and push hard.

[From the Paris Post-Intelligencer, Nov. 10, 2011]

ONLINE SALES TAX PATH IS CLEARING

AFTER A LONG FIGHT, STATES ARE WINNING

Bit by bit, states are winning the battle to collect sales taxes for purchases made by computer.

What once seemed a solid wall of opposition that gave online sellers a huge advantage and caused states to lose many millions in lost revenue is being dismantled brick by brick.

The latest turn is that Tennessee's senior U.S. Senator, Lamar Alexander, has introduced a bill in Congress, coauthored by Republican and Democratic senators, to let states collect sales taxes. If enacted, the bill would negate a Supreme Court ruling that allows a state to collect taxes only when a seller has a physical location within the state.

''It's a state rights issue,'' Alexander said. ''It gives the State of Tennessee the right to decide how to collect or not to collect its own sales tax.

''It ends the subsidy for some businesses over others, it ends the subsidy for some taxpayers over others, it closes a loophole that's been growing for 20 years, and it permits the state to collect that avoided revenue.''

It's no small matter. This year, University of Tennessee economists have estimated, the Volunteer State is losing $365 million in missed sales taxes. The estimate for 2012 is $410 million.

Some traditional opponents of the tax move now support it. Chief among them is the on-line giant Amazon, which said Wednesday it will work to get Alexander's bill passed. The firm, under a deal negotiated by Gov. Bill Haslam, had already agreed to begin collecting the tax in 2014; Alexander's bill, if passed, could speed up that process.

Support also has come from Wal-Mart and Best Buy, as well as from some congressional conservatives who originally had opposed the move as a new tax. The American Conservative Union has endorsed a similar bill introduced in the House.

Some opposition remains—eBay opposes the trend on the basis that it would place a new burden on small businesses. Alexander's bill would ease that burden by exempting online sellers who have less than half a million dollars in out-of-state sales; the House bill sets a $1 million cutoff point.

The time is right. The path is clearing. Congress should act.

[From the Denver Post, Nov. 14, 2011]

ONLINE SALES TAX COULD BE A BOON

A new Internet sales tax bill introduced in Congress has the potential to allow cash-strapped states to collect billions in sales taxes from online purchases.

The Marketplace Fairness Act is a significant step forward that could help Colorado—someday.

The problem that Colorado and a handful of other states would face in trying to use the authority described in the bill is lack of uniformity.

Colorado's local taxing authorities have many different rates for various items and would have to agree on uniform sales tax rates for online purchases.

Yes, it's a heavy lift. However, the folks at the state Department of Revenue say they think it's possible. We hope so. This measure could put an end to the Amazon tax wars, and could help states collect revenues rightfully due.

Some online retailers have fought hard against state-level attempts to get them to collect sales taxes. They argued states were imposing improper and burdensome regulations on interstate commerce, and they had the law on their side.

The answer was federal legislation to allow states to compel sales tax collection. In Colorado, that could mean an additional $173 million in state and local taxes in 2012. That's not chump change.

Geoff Wilson, general counsel for the Colorado Municipal League, said his reading of the legislation is that local taxing authorities would have to agree to the same rates for online sales originating with out-of-state retailers, ones without a physical presence in Colorado. They'd still keep their local rates for local sales.

Those online sales taxes would be collected at the state level, and then disbursed to the local entities.

It would likely mean that there would still be a difference—one tax rate if you buy something in a store locally and another if you buy online. Optimally, you'd want those to be pretty close, but given the variation in Colorado's sales tax rates from one jurisdiction to another, there would certainly be a difference between the sales taxes you'd pay at a brick and mortar store versus online.

''It's not a perfect remedy, but it's not the injustice that it used to be,'' Wilson told us.

What he means by that is now, people who buy goods online from out-of-state retailers frequently do so without paying any sales taxes.

That puts a local retailer with the store down the street at a big disadvantage in competing with those selling items online. A uniform tax rate for an online purchase would drastically reduce the ''Main Street inequity'' problem, Wilson said.

State revenue officials say passage of the bill, which has bipartisan support, would create a big incentive for Colorado's many disparate taxing authorities to agree on simplification.

We hope Colorado policy makers give this serious thought. We appreciate and respect the autonomy of home rule cities and counties.

However, forging an agreement on this matter could result in a measure of fairness for local retailers and much-needed revenue for state and local governments.

[From bnd.com, Nov. 14, 2011]

INTERNET TAX IS ABOUT FAIRNESS

The tax-free days of shopping on the Internet may soon be a thing of the past. A bipartisan group of senators, including Sen. Dick Durbin of Illinois, has introduced a bill that may finally have traction.

This is good news. While no one likes paying taxes, this bill should help level the playing field for all businesses.

Opponents complain that the measure will hurt small Internet businesses, but small brick-and-mortar businesses have to collect sales taxes; why shouldn't small Internet-based businesses also?

The only reason they don't already do it is that the system of figuring each jurisdiction's sales tax rate is so complicated. This bill would set up a simplified process; states would choose whether to participate.

The bill is called, appropriately, the Marketplace Fairness Act. It's time for Congress to approve this plan.

Mr. ALEXANDER. Mr. President, this is a States rights argument. It is about allowing States to close a loophole—a tax loophole. It is about stopping the subsidization of some taxpayers over other taxpayers, stopping the subsidization of some businesses over others. About the only ones left complaining are the taxpayers and businesses that enjoy being subsidized by other taxpayers and other businesses, and that, in our opinion, is not the correct tax policy.

I am very pleased with the work of Senator ENZI and Senator DURBIN. I will conclude where I started. I think they have solved the problem. As more Senators look at the fairness of the Marketplace Fairness Act and look at the options it gives each State, I hope we will have more cosponsors. If I were running an online retailer in this country, I would begin to make my plans to collect the sales taxes that are already owed and return them to the States because States will have the right under this legislation to do it.

I thank the President and I yield the floor. I note the absence of a quorum.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Madam President, I have mentioned this to the distinguished Republican floor leader, and I ask unanimous consent that I be allowed to speak for a few minutes as in morning business.

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

DEPARTMENT OF STATE AND FOREIGN OPERATIONS APPROPRIATIONS BILL

Mr. LEAHY. Madam President, at some point we may bring up the State and Foreign Operations Subcommittee's appropriations bill. I understand that several Senators on the other side have refused to allow the Senate to debate and vote on this bill, for one reason or another. That is unfortunate, because it provides the funding for many programs that have critical importance to the Nation's security. Let me mention a few:

> It supports our counterterrorism strategy in South Asia, the Horn of Africa, and the Far East. It responds to the turbulent events in the Middle East and North Africa, and threats on the Mexican border. It combats transnational crime, piracy of intellectual property, and the denial of fundamental freedoms. It promotes access for U.S. companies to foreign markets. It provides the funds to operate and secure our embassies and consulates that serve millions of Americans while traveling, working and studying overseas. It preserves U.S. influence in key international organizations and alliances. And it responds to a massive famine in Somalia, floods, and other humanitarian disasters.

We have to do this and much more with a budget allocation that is $6 billion below the President's request.

I worry that ''foreign aid'' today is a term often maligned and misunderstood. It is viewed by many as a form of charity, or a luxury we can do without, or that it is a sizable part of the Federal budget. But it is none of those things, as that list I just mentioned illustrates.

These have never been Democratic or Republican issues. The funds in this bill determine whether the United States will remain the global leader it has been since the Second World War.

Six weeks ago, former President George W. Bush said:

> One of the lessons of September 11th is that what happens overseas matters here at home. . . . We face an enemy that can only recruit when they find hopeless people, and there is nothing more hopeless to a child who loses a mom or dad to AIDS [than] to watch the wealthy nations of the world sit back and do nothing.

Former President Bush is right.

In fact, his former Secretary of State, Condoleezza Rice, was equally blunt about the stakes involved. She said:

> We don't have an option to retire, to take a sabbatical from leadership in the international community and the world. If we do, one of 2 things will happen. There will be chaos, because without leadership there will be chaos in the international community, and that is dangerous. But it's quite possible, that if we don't lead, somebody else will. And perhaps it will be someone who does not share our values of compassion, the rights of the individual, of liberty, and freedom.

I could not agree more, and I hope other Senators appreciate what is at stake. Just as past generations rallied to meet the formidable challenges of the Great Depression, the Nazis, and the Cold War, we will bear responsibility if we fail to meet the challenges of today.

I wonder if, in my parents' generation, this country had not rallied behind President Truman and Secretary George Marshall, who had the Marshall plan, which to many people was very unpopular, whether we would have given aid to countries we had just been at war with. What a different world it would be today if we had not helped rebuild Europe or Japan.

It is no wonder that other countries—our allies and our competitors—are spending more each year to project their influence around the world and to compete in the global marketplace. Great Britain's conservative government is on a path to increase its international development assistance to .7 percent of its national budget. You might say: Only .7 percent of its national budget? In the United States, it is .2 percent of our national budget.

Our leadership is being challenged unlike at any time since the Cold War. In Latin America, which is a larger market for U.S. exports than any other region except the European Union, our share is shrinking while China's is growing. It is the same story everywhere.

There is simply no substitute for U.S. global leadership. The world is changing profoundly, and we cannot afford to retrench or succumb to isolationism.

The funding in the State, Foreign Operations bill enables us to engage with our allies, defeat our competitors, and deter our adversaries. It may be an attractive target for campaign speeches and bumper sticker politics, but without it we cannot meet the growing threats to our struggling economy and our national security.

The bill that Senator GRAHAM and I will, I hope, be able to bring to the floor of this body, was reported by the Appropriations Committee on a bipartisan vote of 28 to 2. It is $6 billion below the President's budget request. It scales back many Department of State and U.S. Agency for International Development operations and programs. It is going to force significant reductions in planned expenditures. I wish it did not, but I also agree that we have to control spending.

I doubt there is any Member of Congress from either party or either body who does not care if the United States becomes a second or third rate power. I think all of us in Congress expect the United States to lead, to build alliances, to help American companies compete successfully, and to protect the interests and security of our citizens.

Yet there are unmistakable signs that our global influence is already waning. It is not preordained that the United States will remain the world's dominant power. As Former Secretary Rice said:

> If we don't lead, somebody else will.

I think every one of us can imagine which countries that might be, and I shudder to think of some of them.

You cannot have it both ways. We cannot expect others to follow if we do not lead. And we cannot lead if we do not pay our way.

We need to stop acting as though these investments do not matter; that the State Department is not important; that we do not need the United Nations; that what happens in Brazil, Russia, the Philippines, Somalia, or other countries does not matter; and that the global threats to the environment, public health, and safety will somehow be solved by others.

Think of this: The most deadly, contagious diseases in the world are only an airplane trip away from our shore.

This year's State, Foreign Operations bill, which was drafted in a bipartisan manner, balances our priorities. Funding for these programs was requested by Republicans and Democrats. In fact, I the total number of requests we received from both parties dwarfed what Senator GRAHAM and I had available to spend.

There are no earmarks in this bill. Because of the budget cuts, Members on my side did not get close to everything they wanted, and neither did Members on Senator GRAHAM's side.

But to anyone who thinks the 1 percent of the Federal budget we spend on international diplomacy and development is too much, this bill will freeze most embassy and consular operations, curtail programs, and in some cases defer payments to international organizations that we are obligated by treaty to pay.

This country is at a crossroads. We can retreat from the world, as some seem to want, while China and our other competitors continue to expand their influence, or we can remain a leader. This Senator hopes we will have the sense to choose the latter course.

I was barely a child at the end of World War II, but I watched as our soldiers came home, and I saw America's influence grow. I saw it as a young student in college and in law school. I saw students who came to this country to learn what we did—why?—they were inspired by America and wanted to learn from our example. I saw members of my family and friends join the Peace Corps. And when I have traveled overseas since becoming a Senator, I hear people say: Thank goodness America helped us. I hope my children and my grandchildren do not hear a different story.

The funding in this bill, which is strongly supported by the Department of Defense, is, along with the U.S. military, the best form of insurance the American people have.

I want to thank Chairman INOUYE and Senator COCHRAN for their support of the subcommittee's budget. And I want to thank Senator GRAHAM, who is a highly informed and passionate advocate for U.S. global leadership. I appreciate his input and support, as I do the other members of the Appropriations Committee from both parties.

It is easy for us to stand up and speak about how we want America to be No. 1. It is easy to sit on the sidelines and say you want to win the New York marathon but you do not want to train for it. If we want to be No. 1, we have to earn it.

One thing that has united some of the great leaders of our country—both Republicans and Democrats—is their desire to expand, in the most positive way, America's influence around the world, one, so we could help others, and two, because it protects us. If we get to this bill, I hope we will not find ourselves tangled in knots with sloganeering or special interest amendments, but, rather, debate it with only one interest in mind: that of the United States of America.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CLOSE UP FOUNDATION

Ms. LANDRIEU. Madam President, I rise to speak for just a few moments on a very special anniversary that we are celebrating, not just here in Washington but around the country; that is, the 40th anniversary of the Close Up Foundation, familiar to us all.

It is a foundation that was started in 1971. Close Up has worked for four decades to promote responsible and informed participation in the democratic process through Washington-based civic education programs and classroom publications. I had the pleasure myself of participating in one of the first ever Close Up programs back in 1972. So I participated in the second year when the program was in its fledgling stage.

Little did I believe then or know then that I would be a Member of the Senate. But I can remember the tremendous impact that program had on me at that age. It was the first time I had ever visited Washington, DC. I can tell you without the Close Up program, I probably would not have made that trip until many years later. But it made a lasting impression on me and I believe gave me some idea back then of a potential career in public service.

I am very proud to be an alum of this important program, and I am delighted to help celebrate that later tonight at a reception for the 40th anniversary, which is today.

Close Up's mission is to inform, educate, and inspire young people to be active citizens in our democracy. Close Up seeks to create a generation of Americans that exercise their rights and accept the responsibilities of citizenship.

Each year, Close Up serves thousands of high school and middle school students and their teachers on Washington-based government and citizenship education programs. These programs demonstrate that an active citizenry is necessary for the perpetuation of our democracy, and they provide students with the knowledge and skills to participate firsthand—hands on, seeing is believing, being here in Washington, seeing the buildings, experiencing firsthand the ways of the Senate and the House operating, seeing the Supreme Court in action leaves a lasting impression, believe me, on these students—since the 1970s.

I know my colleagues will join me in the pride that 750,000 students and teachers from across the country have participated in Close Up programs. Participating students return to their schools and share with their classrooms, with their student bodies, what they learned and experienced. So while we have had 750,000 students participate, we have directly touched millions of students and teachers and family members, as these students go back and relay very fine experiences.

Students who participate in Close Up Washington travel to our Nation's Capital, usually for about 1 week, joining with their peers from all over the United States, to live and learn together during an intensive, inspiring, and skill-building program. The program is designed to enrich students' knowledge of the basic concepts and institutions of the Federal Government, an important part of our democracy, and to develop a practical understanding of the process of the democratic political system and the role of citizens in this system, which is central, as the Chair knows.

To engage students, expert institutional staff use best practices and methodologies, including role modeling, small group discussions, simulations, and student-driven interaction with key policy experts. In other words, this is not just a tour of Washington, it is not just a tour of the building, it is an interactive, hands-on experience for young middle school and high school students to have a better understanding of how their government operates.

If we think about it, we know they understand by maybe reading the paper and talking to friends how their local government operates. They get a sense of how their State governments operate. Without a real opportunity to visit the Nation's Capital, which many of these students might not have, how will they get a feel for what goes on here, which is very important.

Each year the Close Up Washington program participants engage in 1,000 meetings with Members of Congress and their staffs on Capitol Hill. Our Capital's institutions and historic sites are used as classrooms to help students explore the link between history and contemporary political issues. It brings it alive to them. It makes it real for them. That is why it is so important for us to continue this program.

Students also learn and practice the habits of active, effective citizenship with an intense emphasis on civil discourse. One of the most important and commendable aspects of the Close Up program is its accessibility to economically disadvantaged students. I wish to take a minute to stress this. There are many programs that are sponsored directly or indirectly by the Federal Government that allow students to come to Washington. Then, of course, there are many privately funded activities.

But this is the only Federal program that I know of that reaches out in a special way to students that would be unable to come under any other circumstances, they just could not afford it. Their families cannot afford it, and so it would be out of reach for many of them. That is what is so important about Close Up.

The other important aspect, it is not just for the kids in the class who are 4.0 students. Many students come on academic scholarships or they are chosen because of their academic prowess. This is for the average kid, as well as those who are achieving academically. But it is for the average kid, the kid whom we depend on to be our citizen for the future.

So because of that, it is especially important for us to continue this opportunity. Close Up provides a diverse program experience for its participants and has provided over $100 million in fellowship assistance to students and teachers from underserved communities through public funding and a committed network of corporate and philanthropic donors. So to the Federal money that serves as its base, we get additional support from individuals and from foundations to leverage that resource, to provide an opportunity for kids who would never be able to see with their own eyes the Capitol or the White House, would never be able to walk into the Supreme Court, to actually see it and touch it and to experience it.

If it sparks an interest in one-fourth of the children who come, that would be great. But I think it sparks an interest in almost 100 percent of them in some way. When they leave, they are forever changed in a positive way and can become active participants in this democracy.

So at a time when students throughout the United States show an alarming lack of proficiency in civics, as

demonstrated by the recent results of the National Assessment of Educational Progress testing of 4th, 8th, and 12th graders, Close Up continues to work to engage young people so they understand the political process, find their own voice, and they embrace the rights and responsibilities of citizenship, which is indeed a gift, and they learn to appreciate that gift and to participate more fully in this democracy.

I commend and congratulate Close Up for 40 years of excellent service. I hope it will continue for another 40 years. I am proud to be a strong supporter of the Close Up program. I urge my colleagues, as we have an opportunity, to support the funding for this program, even in these tough budgetary times.

I yield the floor and 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. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mr. COATS. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN'S GROWING NUCLEAR THREAT

Mr. COATS. Mr. President, we have been seized with obviously pressing issues and emergencies, and I fear we have not been paying enough attention to the issue of Iran and the growing nuclear threat posed by that country. The recent release of the report by the International Atomic Energy Commission has returned the Iran nuclear issue to the front pages and, hopefully, to the top of our list of priority issues that need to be discussed and need to be evaluated.

The IAEA nuclear watchdog, which I visited last March with a group of Members of the Senate and House Intelligence Committees, has never been an instrument of U.S. policy. In fact, it has often offered perspectives contrary to America's views or preferences and has rigorously defended its objectivity independent of individual governments. Therefore, I think this latest report has all the more weight that we should give serious consideration to. This objective organization of nuclear experts has had unrivaled access to information and sources within Iran. It has stripped away the veneer of ambiguity and uncertainty about Iranian efforts to develop nuclear weapons.

Iran is after the bomb, and we all know it. We can see the proof in this IAEA report, including compelling detail about Iran amassing fissile material, designing explosive trigger devices, and developing delivery systems. The report details the way in which Iran has relentlessly pursued this objective over the years and from whom it has obtained assistance.

The report also shows our own intelligence community's official estimate in 2007 that Iran had suspended these activities in 2003 was wrong. The activities to design nuclear weapons soon resumed and are continuing.

Ironically, it seems efforts to slow down or halt nuclear weapons development through sanctions or even through computer viruses have only had minimal or temporary effect. Many have been unwisely comforted by such delays and, therefore, have been less focused and less determined to find real solutions to this mortal security threat.

Also, we have been mistakenly reassured by the contention that Iran has not yet made the political decision to actually assemble nuclear weapons. This could potentially be one of the most dangerous conclusions of all. As I have repeatedly said from this floor and during my tenure at the Bipartisan Policy Center, a nuclear weapons-capable Iran is nearly as dangerous as a nuclear-armed Iran. An Iran that has spent years secretly pursuing—and now we know successfully—the technologies, the expertise, and materials required to create nuclear weapons is a threat to the United States and to the world.

Facing this imminent danger now, with ample verification from the IAEA that our anxieties are well-founded, is absolutely essential. It is no longer possible to avoid the hard choices or defer to the administration's decisions. In my opinion, there are only three ways we can respond to this threat: We can accept the inevitability of a nuclear Iran and learn to live with it—to tolerate and try to contain this new Iranian power; secondly, we can reluctantly take up the military option to remove the threat—an option three Presidents have confirmed has always been on the table; or, third, we can dramatically escalate the sanctions regimes to force Iranian compliance with our collective international will.

The first option—tolerating a nuclear weapons-capable Iran—is not acceptable. As I said, three previous U.S. Presidents have unequivocally stated this. A nuclear-armed Iran would threaten the entire region and its enormous energy resources, motivate broad nuclear proliferation throughout the Middle East, further destabilize a region already in turmoil, encourage radicalism and terrorism, and threaten the destruction of the State of Israel.

This last danger alone—to which Israel, as a last resort, would most certainly respond to ensure its survival—compels us to be clear-eyed and determined to find a viable solution. Toleration, I would suggest, is not a solution.

The second option—military action, while always posed as a last resort following the failure of all other efforts—must, in my opinion, remain on the table. Our Nation and the international community as a whole must see with vivid clarity what measures remain should our other efforts continue to fail. The Iranian regime must be especially nondelusional about those potential consequences, should it not change its behavior. Indeed, to make all our efforts to find a solution credible, the military option itself must be entirely believable.

It is also essential to note that military options are not ours alone. There is broad, open discussion now in Israel and elsewhere about whether Israel itself should act to remove this threat to the survival of their state. This also must be part of our own policy calculation.

As former Secretary of State Condoleezza Rice said in a television interview this weekend: ''I don't have any doubt that the Israelis will defend themselves if the Iranians look as if they really are about to cross that nuclear threshold.''

If there is any remaining doubt the United States should not tolerate a nuclear Iran, I think we can assume Israel may not.

It is exactly to avoid this violent option that we must renew all our efforts at finding other ways to force the Iranian regime to change its behavior, and that includes compelling persuasion to convince our friends and allies—and China and Russia as well—that united efforts are essential.

We need a new dramatically tougher sanctions regime, and we need it now. If we don't impose it now, it may very well be too late.

I say this with some real reservations about whether any new sanctions can persuade the Iranian regime to change its policy. If we truly believe a nuclear weapons-capable Iran is unacceptable, then the only logical response is to at least prepare for a strike and send the signal that the United States is prepared to act on what has been deemed by, as I said, three Presidents as unacceptable.

I think it is contrary to U.S. interests to try to outsource this task to the State of Israel, but I also think the long-term danger is far greater than the serious but shorter term negative consequences of a strike.

Having said that, this force option needs to be carefully considered, and I think we need to continue whatever efforts we can make to prevent us from having to ultimately choose that as our only option.

So I am suggesting a new, dramatically tougher sanctions regime. It is going to have to be imposed very quickly. Publicly released information clearly indicates that Iran is much closer to nuclear weapons capability than previously acknowledged. We must use the full focused power of our diplomatic instrument not to persuade Iran—that has clearly been a total failure to date—but to persuade other nations that immediate, tough, new international sanctions are the only way to prevent us from having to go to an option which none of us wishes to go to.

We must convince other reluctant nations to make different calculations about their own self-interest in this matter. If other Nations, including China and Russia, come to realize that a nuclear Iran truly will not be tolerated and that new developments bring us closer to a military solution and its unforeseeable consequences, then they will hopefully come to different conclusions about how their own interests can best be served.

Our allies and friends, once they come to accept the reality of our firm determination to neither tolerate a nuclear Iran nor remove the military option, will increase their own commitment to the sorts of sanctions regime that are now essential. This in turn will show the Iranian regime at last that they face a truly united, truly formidable, and genuinely firm coalition entirely devoted to preventing them from having nuclear weapons at their disposal. Only then will we have a chance to force the regime to change its behavior.

So far, as I said, sanctions are simply not achieving the desired result. Those who point to their modest effect actually harm the broader effort, because those effects deflect our determination to force a real change in Iranian behavior. Sanctions may have reduced Iranian GDP by one or two percentage points and may have forced the regime to find creative ways to avoid them. For example, I understand that as official banks have been subject to sanctions, many banks have miraculously privatized.

There is absolutely no evidence anywhere that these sanctions have actually forced the regime to change its behavior regarding its nuclear ambitions. And now we learn from the IAEA report that these sanctions have also not been serious obstacles to the technological, commercial, and scientific activities focused on acquiring nuclear weapons capability. We simply must do much more, and we must do it now.

I am cosponsor of a bill, S. 1048, which is intended to further tighten the noose on the Iranian regime. I will continue to support those measures. But in light of this new information from the IAEA, I am in favor of even greater sanctions pressure. I have signed a letter to the President calling on him to use his prerogatives to impose sanctions on the Iranian central bank. Many have opposed that option because it could constrict global energy supplies, increase oil prices, and would be ineffective if not supported by other nations. According to media reports, the administration itself decided just days before the release of this IAEA report to take central bank sanctions off the table for these reasons. This was, I believe, a serious mistake and those judgments, I suggest, should be reconsidered.

When the reality of this imminent threat to global security is clear, when all nations reflect on the consequences of military action against Iran, and when a well-designed comprehensive new sanctions regime with real teeth is presented to them, we will have the determined coalition we need to avert the disastrous consequences of our failure to prevent the unacceptable.

Mr. President, I yield the floor.

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, as I understand the current situation, we do not know whether we are on three bills or one bill. That is up to the leadership. Senator ALEXANDER and I have worked on the Energy and Water bill. We are very hopeful we can move this bill. It was unanimous in the subcommittee on Appropriations. There was only one dissent in the full committee—which is one of the largest committees in the Senate, in the Appropriations Committee. It is a significant bill. We believe we should move it as quickly as we possibly can. We have been talking. Obviously we are waiting to hear from the leadership. We are hopeful that once we hear we can move very quickly to get this bill passed by this body.

It has been a great pleasure for me to work with Senator ALEXANDER. I know he has some comments he wishes to make at this time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. As she usually does, the Senator from California said directly what the situation is. We on the Republican side understand that the majority leader has some important business he has to make sure the Senate finishes this week. We, as would many Democrats, want us to get to the Defense authorization bill before we go home. Senator REID wishes to do that. We respect that and we agree with that.

Senator REID wishes to make sure we have a chance to deal with the conference report that the House is expected to pass on Thursday, which contains a continuing resolution to fund the government to mid-December. We understand that as well.

That gives us a little time here, a day or two, to consider the Energy and Water appropriations bill that Senator FEINSTEIN has described. It has broad consensus here in the Senate. It has no mandatory spending in it. It has an important defense component—nuclear weapons nonproliferation. It has a great many nondefense items that are important to the growth of our country. It seems on the Republican side—I can speak for that—there is broad consensus. At Senator REID's request I checked with many of our Republican Senators, asked them how many amendments they have and whether they thought they could bring them to the floor today or tomorrow morning so we could deal with them tomorrow, at the latest Thursday morning. So far the news has been encouraging. There have not been that many amendments and all the Senators with whom I have talked have said if they have amendments they believe there is no reason why, as long as they are given a short period of time to talk and a chance to vote on them—and they are germane, of course; they will have to be germane to fit with the rules of the Senate—they will be fine with that.

We are going to be checking tonight with all Republican offices. We do not want to encourage any more amendments but we want to know about them if there are any so I can go to Senator FEINSTEIN and Senator REID and say here are the amendments the Republican Senators want to offer, we are ready to go, we can deal with it tomorrow and Thursday and hopefully we will be able to do our basic work. Our basic work is to do appropriations work in this body. That is our constitutional responsibility.

So I thank Senator FEINSTEIN for the way she approaches this. I understand where the majority leader is, and so far, I am encouraged. I will gather information. I will make my report to you and Senator REID, and then we will see where you want to go.

Mrs. FEINSTEIN. Let me thank the distinguished ranking member for those comments, and I believe we are in agreement. What is sauce for the goose is sauce for the gander. I would hope any Democratic amendments could come in just as quickly as possible, and we think we have a good bill. Hopefully there will not be many. I agree with what the Senator said about the Defense bill. We have a CR, and we really need to get cracking. Time is of the essence.

We have been sitting here for a couple of hours waiting for amendments. There have been none thus far, and I think the word is out: Now is the time. Please, Members, if you have amendments, please file them. We have had one amendment just filed on the Republican side and know of a couple of others, but that is about it at this stage.

Let me thank the ranking member. I guess we just sit here and wait.

Thank you, Mr. President.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. REID. Mr. President, as I indicated, Senator FEINSTEIN and Senator ALEXANDER are working very hard to

come up with an agreement that we can move forward with on the Energy and Water bill. I am terribly disappointed we weren't able to do the so-called minibus, consisting of three appropriations bills, as we did a couple weeks ago. It is too bad, unfortunate, that we were not able to do so, but an objection was raised that caused us not to be able to do that. They have not been able to reach an agreement tonight, so we will continue working and, hopefully, tomorrow something good will happen.

It is my understanding the Republicans have run a hotline with their Members to see if they can reduce the number of amendments on the Energy and Water bill. Remember, we can't legislate on an appropriations bill, and it has to be germane, so at least we have those restrictions.

I would also say that while my friends on the Republican side are working through amendments—if, in fact, there is an agreement—there are Democrats who also want to offer amendments, so it is not going to be just amendments offered by Republicans. If, in fact, we can work something out, Democrats also wish to offer amendments. So I hope, and I am cautiously optimistic, that the two fine Senators can work through this morass we have and move forward. I sure hope we can do that.

We are not going to spend a lot of time on this. We wasted most of the day on procedural issues relating to this. But Thanksgiving is fast approaching. We have a lot of stuff to do other than this Energy and Water appropriations bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN EDUCATION WEEK

Mr. BROWN of Ohio. This week marks the 90th anniversary of American Education Week where we honor our teachers, education support professionals, parents, and substitute teachers for their dedication and service to our children and to our schools.

My mother was a high school English teacher. Born in Mansfield, GA, a town of about 500 people, she taught in the era of segregation in central Florida. Raising my two older brothers and me in Mansfield, OH, she taught in an era of a growing American middle class. As have teachers throughout our history, she taught her students and her sons that education is the gateway to opportunity, that it can integrate a divided and segregated Nation and, in the process, create a more prosperous nation.

When our Nation needs our teachers the most—at a time when our economy needs our schools to succeed—we must remind ourselves of the importance of educators. I would add that the Presiding Officer is known in this body as one of the premier educators in our country, before he came to the Senate, as superintendent of the Denver schools.

Unfortunately, many of our educators are working in substandard school buildings with leaky roofs and poor air quality and malfunctioning HVAC systems. The average U.S. public school building is 40 years old—obviously, many are much older—impairing teacher effectiveness and student achievement. In Ohio, thanks to former Governor Taft, who, in part, was able to renovate a large number of our school buildings about a decade ago, has made a significant difference. But school buildings in my State, as they are across the country, are still too often old, decayed and much less efficient and often compromise teacher and student morale and teacher effectiveness. Conservative estimates suggest it would cost some $270 billion to make much needed maintenance and repairs for schools.

That is why I introduced the Fix America's Schools Today Act—the FAST Act—which would invest some $30 billion to repair and modernize our Nation's school facilities. The FAST Act would invest in States and local school districts to help them make critical repairs to existing facilities or to supplement their current maintenance efforts.

Modernizing our schools can save $100,000 a year in maintenance costs—enough for two new teachers or 200 more computers or 5,000 textbooks.

The FAST Act would focus on areas of need—school districts with high percentages of poor children and schools with the greatest need for repair and renovation.

Modernizing schools can improve the academic experience for students. In September, I spoke with principals from across Ohio who discussed how the quality of their school facilities affected their students and their teachers. This is pretty interesting. I heard from the former principal at a high school near Zanesville, a city in eastern Ohio, who described a student's reaction following the renovation of their school. This was a generally low-income, an Appalachian area of Ohio. Students were used to going to schools that were substandard—not in terms of teacher quality but in terms of the facility itself. We preach to our young people that education matters more than anything else in our society, and then we send students to physically substandard schools. But this student's reaction, after the renovation of the school: ''I felt rich,'' he said, because he was going to school now in a renovated, modern, high-tech environment, something he had never seen growing up in Appalachia, Ohio, as a kid whose parents didn't make a lot of money.

Improving school facilities, of course, though, is more than just about student morale. Research has proven the rates of absenteeism decline and test scores improve in a more modern school facility. It is also about teacher effectiveness. According to a study conducted by the Department of Education, 47 percent of schools indicated the condition of their permanent facilities interferes with the delivery of instruction. The condition of the school interferes with the delivery of instruction. This is problematic. Some 70 percent of students are forced to learn in facilities that have at least one significant—sometimes more than that—inadequate building feature, such as an outdated heating and air-conditioning system, a leaky roof, a plumbing problem. Some 57 percent of students are learning in a school with at least one unsatisfactory environmental condition, such as poor indoor air quality, poor acoustics or heating and lighting challenges.

These substandard conditions can also harm the health and well-being of teachers and support professionals. Last week, I hosted a national call with advocates to discuss this legislation and discuss the impact substandard schools have on students and faculties and parents. One of the participants shared with me her personal experience as a special ed teacher. It is a story I imagine many of my colleagues have heard before and can be found anywhere in our country.

Joellen spent 9 years of her 23-year teaching career in an elementary school in Fairfield, CT, with severe mold contamination. Poor air quality in the school forced her into an early retirement by compromising her health and her well-being. Because of these poor working conditions, Joellen has lost 50 percent of her lung function and is currently dependent on an oxygen tank. She is not the only one affected by these conditions. Eighty-five of her colleagues are also battling health conditions as a result of an unhealthy school environment.

It is unacceptable that our failure to act undermines student achievement and teacher effectiveness and the health and the well-being of our entire school communities. It is even more disturbing that our schools go unrepaired when there are thousands of workers ready and willing to modernize our schools. The FAST Act, by employing people to repair our aging schools, would create good-paying, middle-class jobs.

We know we have to fix our schools. We know we have to do this renovation. We know as a nation, when we put real attention into infrastructure, the dividends it paid for generations were significant. The United States, in the 1950s, 1960s, 1970s, and 1980s, led the world in infrastructure. Whether it was school repairs, the building of community colleges, water and sewer systems, highways and bridges, ports and locks or medical research, we were the envy of the world in our infrastructure, and it set the foundation for decades of prosperity. Unfortunately, as this Congress has been more interested in tax cuts for the rich and less interested in

investment in medical research, in education, in health care facilities, in transportation, we have declined economically as a nation. The middle class is under fire. We are not able to build and produce the way we could have if we had kept this infrastructure up to date.

That is the importance of the FAST Act. It is the importance of much of the rest of the jobs bills we have pushed in this Congress. We know that every $1 billion in school renovation can create 10,000 jobs.

The FAST Act includes strong ''Buy American'' provisions to ensure that Ohio construction workers, for instance—we are the third leading manufacturing State in the country, exceeded only by Texas, twice the size of California—three times the size—building technicians, boiler repairmen, roofers, painters, electricians, and people who manufacture these products are using American-made products.

The FAST Act is included in President Obama's American Jobs Act. Under his proposal, Ohio would receive some $985 million in funding for K–12 schools and an additional $148 million for Ohio's community colleges. Ohio has one of the best community college networks in the country.

It is obvious our schools need fixing. Our workers need work. Interest rates are low. Construction companies want to put people to work and, competing with each other, will bid as low as they likely will in the next decade or two, so now is the time to do this.

This bill has been endorsed by some 50 organizations: the American Association of School Administrators, the American Federation of Teachers, the National Education Association, the Building & Construction Trades, First Focus Campaign for Children, and the Parent Teacher Association, the PTA. They agree it is about jobs, about education, and our Nation's future. I urge my colleagues to support this commonsense legislation.

Lastly, I wish to read a couple letters I received about this legislation. First is Jeannine from Strongsville, OH. She is a teacher:

> I have taught at the same middle school for 24 years. During that time, I have watched our building physically deteriorate before my eyes.

Strongsville is what we would call, by most measurements, one of Cleveland's more affluent suburbs. Nonetheless, she has seen it physically deteriorate in 24 years of teaching.

> The leaky roof leaves stains on the ceilings and the floors. Often the heating doesn't work.
>
> Two years ago, my classroom had no heat in December. We are a suburb of Cleveland, so do I need to tell you how cold it was in there?
>
> After more than two decades with no money for paint, our vice principal asked Home Depot for help—it donated enough paint to spruce up the hallways, offices, and a handful of classrooms.

She writes:

> Does it sound like I teach in the inner-city or an extreme rural area in Ohio?

She doesn't. She teaches in what we would call an affluent suburb of Cleveland.

> I teach in a suburban community where many of the houses sell for around $300,000 or more. But the community has not passed a levy in a while.
>
> I pay 20% toward my health insurance . . .

My colleagues may remember that Governor Kasich had just pushed through a bill to take away collective bargaining rights for people such as Jeannine, saying they should be paying more of their health care. They have already made those concessions at the bargaining table. That is why Jeannine says she pays 20 percent toward her health insurance. She says:

> 10% toward my retirement, and [I] have not seen a pay increase in years.
>
> I really love what I do, but am despondent at times about the lack of community support for education.

That is a whole other issue. But we do know we can make a difference in making not just Jeannine's life better—that is a goal we should share—but, most importantly, making teacher morale, student morale, teacher effectiveness, and student learning significantly better.

The last letter I will share is from Erin from Columbus, OH. She is a special ed teacher. She writes:

> Of our 14 schools, 5 are currently undergoing the last of a 2 year renovation project.
>
> We had schools where walls were literally falling in, we were in urgent need of these repairs.
>
> Now, we find ourselves lacking in technology, and are in need of updating these needs, in order to compete with the ever changing needs of the demands of the workplace that our students will be entering.
>
> Investments in education such as targeted resources for school and campus repair and modernization will jump start the economy and ensure students the learning environments so essential to their success.
>
> Our student day is now shorter, all in an effort to save money.

Think about this: They are making the schoolday shorter when we are talking, in the paragraph before in her letter, about: How do we compete internationally? We are going to make our schoolday shorter when already we go to school—I think the former Denver school superintendent, the Presiding Officer, would confirm this—fewer days than many of our economic competitors. So because of costs, because we need to continue to give tax breaks to the wealthiest people in this country, we cannot fund the kinds of things we want to fund in education to compete internationally.

In the end, Erin writes:

> It's the students that lose, and our educators know this, and [we all] strive each and every day to reach every single student, with the ever increasing demands put upon them.

She writes:

> The FAST Act will make sure that our students have the learning environments they need and deserve.

My words may have, I hope, convinced some of my colleagues. I hope the words, the two letters from Jeannine and Erin—Jeannine from a Cleveland suburb; Erin, a central Ohio teacher, both with long experience in the classroom—I hope their words were compelling enough so my colleagues will join me in supporting the FAST Act, getting it through the Senate—not filibustering it. Let's debate it, talk about it, vote on it up or down, and send it to the House. I hope we get it to the President by the end of the year so we can start putting people back to work doing the school renovation, putting our factory workers back to work making the windows and cement and brick and all we need in school construction and school renovation and making a difference for our students in the decades ahead.

I yield the floor and 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 permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PASSAGE OF S. RES. 199

Mr. REID. Mr. President, I rise today to express my appreciation for the passage of S. Res. 199 by unanimous consent last night. This resolution supports the goals and ideals of Crohn's and Colitis Awareness Week.

Crohn's disease and ulcerative colitis, known collectively as inflammatory bowel disease, are chronic disorders of the gastrointestinal tract which afflict approximately 1.4 million Americans, 30 percent of whom are diagnosed in their childhood years. IBD can cause severe abdominal pain, fever, and intestinal bleeding. Complications related to IBD can include: arthritis, osteoporosis, anemia, liver disease, growth and developmental challenges, and colorectal cancer. Inflammatory bowel disease is being diagnosed with increased frequency in children and can be especially devastating for these young patients and their families.

Despite the prevalence of IBD, a lack of awareness among both the general public and health professionals may contribute to the misdiagnosis and mismanagement of Crohn's disease and ulcerative colitis. S. Res. 199 will support efforts to increase awareness and education about these illnesses. It will also recognize the individuals and families who must contend with IBD as part of their daily lives, as well as the health care professionals who care for

Crohn's disease and ulcerative colitis patients and the biomedical researchers who work to advance research aimed at the development of new treatments and a cure for these illnesses. The passage of this resolution will give hope to millions of Americans struggling with Crohn's disease and ulcerative colitis—particularly young children—that we will continue to focus our attention on these very difficult conditions.

TRIBUTE TO MR. ELDRED MUSGROVE

Mr. McCONNELL. Mr. President, I rise today to honor and pay tribute to a very fine Kentuckian and World War II veteran, Mr. Eldred Musgrove of McCreary County, KY. Eldred, who is now 91, has played an instrumental role in developing many of the basic services that are currently enjoyed by the citizens of McCreary County, KY.

Eldred was raised in Strunk, KY, in a house just behind the old Lum Strunk homeplace. As a teenager, he became familiar with responsibility and hard work. The oldest of six, by the time he was 14, Eldred remembers having to help raise his brothers and sisters after their mother passed away. He recalls carrying his 3-year-old baby brother to his grandmother's each morning and returning each afternoon to pick him up, before walking a mile himself just to get to school each day.

''When I was 16, I worked my first 'real' job,'' Eldred explains. At the time, ex-county sheriff Neil Stephens owned a sawmill that was located up above the Marsh Creek Schoolhouse. ''He paid me 10 cents an hour to roll logs down for him to saw,'' Eldred says. As a result, Eldred developed a resilient worth ethic, which would eventually help pave the way to a long and successful career in community service.

Eldred met Sophie, who is 90 years old and his wife of 64 years, while they attended school together at Pine Knot as kids. ''I didn't pay any attention to her when we were in school!'' he recalls. After he returned home from the military, though, Eldred got a job working at the Ford garage in Stearns and began to see Sophie as he drove home from work each day. They began dating and have been happily married ever since.

Not long after they wed, Eldred began taking a more active role in the community. ''I became a charter member of the Pine Knot Kiwanis Club in 1950,'' he remembers. Eldred and the organization were very active for several years, selling stock, helping to establish the county's first dial-telephone company, and even playing an instrumental role in helping to build the first Pine Knot fire truck. In 1967, Eldred helped form the McCreary County Fire Commission and served as the board chairman for the South McCreary County Fire Department for many years.

Eldred also served as one of three original water commissioners for the McCreary County Water District. Eldred presided over the Pine Knot portion of the district he helped create. In his later years, he became involved with the McCreary County Development Association, and also served as a member of McCreary County's first airport board, where he helped develop a local runway. Additionally, Eldred has also been a member of the McCreary County Industrial Development Association, the first Stearns Museum Board, and the Kentucky Highlands Investment Corporation for 31 years.

These days, the Musgrove home is decorated with countless photographs, certificates, and awards including a picture of Eldred shaking President Bill Clinton's hand that serve as a reminder of Mr. Musgrove's many successes and achievements throughout the years. However, Eldred admits that he is not yet finished. ''I still have a job to do. My job may be taking care of my wife, writing letters to congressmen, or erecting a monument. All I know is that I still have a job to do.''

Mr. President, Mr. Eldred Musgrove's long life of selflessness and service to McCreary County and his fellow Kentuckians is truly admirable. Mr. Musgrove is a true American patriot and an inspiration to the people of our great Commonwealth. A local newspaper, the McCreary County Voice, published an article on October 20, 2011, to celebrate Mr. Musgrove's many accomplishments in life. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the McCreary County Voice, Oct. 20, 2011]

MAKING A DIFFERENCE

(By Eugenia Jones)

You may or may not be personally acquainted with Eldred Musgrove, but if you are a resident of McCreary County, the energetic 91-year-old probably touches your life on a daily basis. Not only did he serve his country in World War II, but Musgrove, throughout his life, has been instrumental in the development of many of the basic services currently enjoyed by citizens of the county.

Growing up in Strunk, Kentucky, in a house just behind the old Lum Strunk homeplace, Eldred probably did not see himself becoming such a civic-minded adult. At the age of 14 and as the oldest of six children, Eldred helped to take care of his brothers and sisters when his mother died. He recalls walking more than a mile to school each day because there were no school buses. On his way to school, Eldred would carry his three-year-old baby brother to his grandmother's house and then return on his way back home from school to carry the toddler home. Eldred grins, ''I've never had a chance to study, but I still managed to make Cs throughout school. When I got home, instead of studying, I had to take care of the stove wood. My dad was rather thrifty, but he managed to take care of us. Dad worked some in coal, and later, he went together with his brother and bought a 1933 model Chevrolet truck to haul stone for building schools through the WPA. Dad was also good at making moonshine stills and made them for everybody around. He had customers from as far away as Lexington and Cincinnati. I wanted to go into the CCC, but dad wouldn't let me.''

As a teenager, Eldred was not afraid of hard work. When he was 12 years old, Musgrove sold ''Grit'' newspapers to people all over the southern end of the county. Musgrove shares his memories of one special customer. ''I remember one customer in particular. His name was Andy Galimore. He was a Spanish-American War veteran. He lived up on a ridge across the railroad at Pine Knot. He had a vineyard, and he would let me pick all the grapes that I wanted. Andy Galimore must have been a secretary or something like that for his unit, because he had a roster of names that he let me see. The roster listed the names of men and told different types of information about them. It told when the men were absent, when they were promoted, and all of the different things they did in the service.''

''When I was 16, I worked my first 'real' job. I worked for Neil Stephens, who was an ex-county sheriff living on Cal Hill. His sawmill was up above the Marsh Creek Schoolhouse. He paid me 10 cents an hour to roll logs down for him to saw. The mill used a steam boiler, and they had to get up steam in order to saw. I also carried drinking water. I didn't get money for pay. I got a slip to take to Manuel Creedmoor's (O.K.'s) store to buy things. I bought school clothes.''

Eldred met the now 90-year-old Sophie, his wife of 64 years, while they attended the Pine Knot School together. He laughs, ''I didn't pay any attention to her when we were in school! When I came back home from the military, I got a job at the Ford garage in Stearns. She walked home from where she worked, and I drove home from my work in an old pickup truck. We started meeting. I'd toot the horn and wave at her. Finally, I asked her to go to the show with me. We went from there by going out to a show together and ended up where we are now by being married for 64 years! I don't remember the name of the show, but I do remember going to pick her up one time. There was a store sitting up on the corner of the road going to her house. There was a big long bench outside. The road to Sophie's house was so bad that I couldn't drive out it so she would meet me at the store. One time I was sitting on the bench waiting on her and another fellow was sitting there talking to me. He said he had a date with a ''Meadows'' girl. I said, 'Well, I do too!' It wasn't long before Sophie showed up with her sister as a date for the other fellow!''

After Eldred and Sophie married, Eldred began taking an active role in trying to serve his community. He remembers the influence of the Kiwanis Club during the early development of the county. ''I became a charter member of the Pine Knot Kiwanis Club in 1950. The club was very active for a few years. Pine Knot, at that time, had only 12 telephones on two party lines. The Kiwanis Club started selling stock and formed the first dial-telephone company in the county. The company had 128 customers and was doing well. However, we couldn't afford a full-time maintenance man. When the Highland Telephone Company offered 150 percent on our stock, we ended up selling out to them. We made sure that we sold under the condition that we would get free service all across McCreary County and in Scotty County. I remember some of the board members when the phones were with the Kiwanis. I was on the board, as well as Leon Hayes, Gorman Strunk, Harold Hickman, Smith Ross, Autis Ross, and Ralph Chaney.''

The Kiwanis were also instrumental in helping to build the first Pine Knot fire

truck. Musgrove can remember when Clarence Harmon picked up a pump and gave it to the Kiwanis to use. ''We kept it up at the service station, and it froze and burst. I only remember us putting out one fire with it and that was in a cabin down at the Shell Grove. Later, when Bob Anderson was county judge-executive, there was a salesman with two fire trucks for sale. Bob appointed me and Bon L. Bybee to check on the trucks. Tweedy Hatfield helped too. In 1967, with the help of Mr. Wright from the Bank of McCreary County, we ended up forming the McCreary County Fire Commission and bought a truck for Pine Knot and one for Whitley City. I was the board chairman for the South McCreary County Fire Department for many years. During that time, we built the sub-station at Holy Hill.''

Musgrove also played a role in the initial development of the McCreary County Water District. Judge-Executive Prince Stephens appointed Musgrove, Bill Gilreath, and Alfred Kidd as water commissioners for the Pine Knot/Revelo area. ''We brought engineers out of Tennessee to help build a water district,'' Musgrove recalls. ''They did a study of the county and recommended that we join together with the Whitley City Water District. Whitley hadn't done much, so we decided to eliminate the two districts and form one new McCreary County Water District. I represented Pine Knot. A.W. Holmes represented Whitley City, and Dr. Winchester represented Stearns. We were the first three water commissioners for McCreary County. The three of us ended up signing a personal note and buying a farm that was for sale. That's where the water reservoir was built. There was a problem, though, when the lake covered five acres of Forest Service land. We had to get a special permit to take care of that!''

Years later, Musgrove became involved with the McCreary County Development Association. The Association was formed to help the water department and McCreary County. Musgrove remembers when the water department discovered that they could get grants to run water lines to industrial sites. He smiles as he explains, ''I remember those people saying that they hoped we were smart enough to find a site away from town. I guess we went to the extreme! Industrial sites were bought in Greenwood and near the state line. We managed to get a grant that let us lay water lines to those sites on both ends of the county!''

In addition to busying himself with McCreary County telephone, water, and fire department concerns over the years, Musgrove also turned his attention to the development of a local airport by becoming a member of McCreary County's first airport board. Musgrove can recall early attempts to establish an airport. ''We found two pieces of property where an airport could be built. Both tracts belonged to the Forest Service. When we chose the Pine Knot site, we had to get a special use permit from them. They had clear-cut the site and planted it with pine trees. Burris Smith and I surveyed it and finally got a dirt runway built. ''Doc'' Jim Anderson had a small plane, and he became chairman of that board. We had several people on the board, including Jim Burgess, Harold Hickman, and Burris Smith. We got Bob Gable on there too, because he knew people in Frankfort. Later, there was a land exchange with the Forest Service, and McCreary County was finally able to get the airport turned over to them.''

After serving on the McCreary County Airport Board for four years, Musgrove went on to serve on the McCreary County Industrial Development Association, the first Stearns Museum Board, and, for 31 years, as a board member of the Kentucky Highlands Investment Corporation Board. The Kentucky Highlands Investment Corporation is an organization formed to help fund businesses so that jobs are created. KHIC began in the old wholesale building (now the Depot) in downtown Stearns and has since moved to London, Kentucky, where it currently serves over 20 counties. Musgrove and Bill Singleton currently represent McCreary County.

Along with his active participation in the community throughout the years, Musgrove has supported himself and his family through self-employment. Musgrove operated a car body and fender repair shop and was a plumbing and excavation contractor. He and his wife also operated a mobile-home park. Always eager to learn, Musgrove attended classes about business law and small-business management.

Today, the walls of Musgrove's home are adorned with many photographs, certificates, and awards. Photos of U.S. presidents, including former President George W. Bush, are displayed. One photograph, snapped when Musgrove visited a factory as a KHIC board member, shows Eldred shaking the hand of President Bill Clinton. Musgrove comments on that photo, ''I shook his hand. It didn't make much difference to me that he was the president.''

Eldred's latest project is an attempt to erect a monument that displays the Ten Commandments and honors veterans. He comments that he still has a job to accomplish in life. ''I still have a job to do. I'm just not sure what it is. My job may be taking care of my wife, writing letters to congressmen or erecting a monument. All I know is that I still have a job to do.'' So it is, that Eldred Musgrove, who was not overly impressed by shaking the hand of the president, still finds great happiness in ''making a difference'' in the lives of his fellow McCreary Countians.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, I rise today to pay tribute to 33 servicemembers from California or based in California who have died while serving our country in Operation Enduring Freedom since July 5, 2011. This brings to 309 the number of servicemembers either from California or based in California who have been killed while serving our country in Afghanistan. This represents 17 percent of all U.S. deaths in Afghanistan.

SSG Nicanor Amper IV, 36, of San Jose, CA, died July 5 in Khowst, Afghanistan, of wounds suffered when enemy forces attacked his unit with a rocket propelled grenade. Staff Sergeant Amper was assigned to the 6th Squadron, 4th Cavalry Regiment, 3rd Brigade Combat Team, 1st Infantry Division, Fort Knox, KY.

LCpl Norberto Mendez Hernandez, 22, of Logan, UT, died July 10 while conducting combat operations in Helmand Province, Afghanistan. Lance Corporal Mendez Hernandez was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Christopher L. Camero, 19, of Kailua Kona, HI, died July 15 of wounds suffered July 6 while conducting combat operations in Helmand province, Afghanistan. Lance Corporal Camero was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

SSG James M. Christen, 29, of Loomis, CA, died July 19 in Kunar Province, Afghanistan, of wounds suffered when enemy forces attacked his vehicle with an improvised explosive device. Staff Sergeant Christen was assigned to the 2nd Battalion, 27th Infantry Regiment, 3rd Brigade Combat Team, 25th Infantry Division, Schofield Barracks, HI.

SGT William B. Gross Paniagua, 28, of Daly City, CA, died July 31 in Kunar Province, Afghanistan, of injuries suffered when enemy forces attacked his vehicle with an improvised explosive device. Sergeant Gross Paniagua was assigned to the 3rd Brigade Special Troops Battalion, 3rd Brigade Combat Team, 25th Infantry Division, Schofield Barracks, HI.

SSgt Leon H. Lucas Jr., 32, of Wilson, NC, died August 1 while conducting combat operations in Helmand Province, Afghanistan. Staff Sergeant Lucas was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

SPC Jinsu Lee, 34, of Chatsworth, CA, died August 5 in Kunar Province, Afghanistan. Specialist Lee was assigned to the 2nd Battalion, 27th Infantry Regiment, 3rd Brigade Combat Team, 25th Infantry Division, Schofield Barracks, HI.

SSgt Andrew W. Harvell, 26, of Long Beach, CA, died August 6 in Wardak Province, Afghanistan, of wounds suffered when his CH–47 Chinook helicopter crashed. Staff Sergeant Harvell was assigned to the 24th Special Tactics Squadron, Pope Field, NC.

PO1 (SEAL) Jesse D. Pittman, 27, of Ukiah, CA, died August 6 in Wardak Province, Afghanistan, of wounds suffered when his CH–47 Chinook helicopter crashed. Petty Officer Pittman was assigned to a west coast-based Naval Special Warfare Unit.

PO1 (SEAL) Darrik C. Benson, 28, of Angwin, CA, died August 6 in Wardak Province, Afghanistan, of wounds suffered when his CH–47 Chinook helicopter crashed. Petty Officer Benson was assigned to an east coast-based Naval Special Warfare Unit.

MCPO (SEAL) Louis J. Langlais, 44, of Santa Barbara, CA, died August 6 in Wardak Province, Afghanistan, of wounds suffered when his CH–47 Chinook helicopter crashed. Master Chief Petty Officer Langlais was assigned to an east coast-based Naval Special Warfare Unit.

Sgt Adan Gonzales Jr., 28, of Bakersfield, CA, died August 7 while conducting combat operations in Helmand Province, Afghanistan. Sergeant Gonzales was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Joshua J. Robinson, 29, of Omaha, NE, died August 7 while conducting combat operations in Helmand Province, Afghanistan. Sergeant Robinson was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division,

I Marine Expeditionary Force, Camp Pendleton, CA.

PFC Rueben J. Lopez, 27, of Williams, CA, died August 11 in Kandahar Province, Afghanistan, of injuries sustained when an improvised explosive device detonated near his vehicle. Private First Class Lopez was assigned to the 1st Battalion, 32nd Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division, Fort Drum, NY.

SPC Kevin R. Shumaker, 24, of Livermore, CA, died August 31 in a stateside hospital of a noncombat related illness. Specialist Shumaker was assigned to the Brigade Special Troops Battalion, 2nd Brigade Combat Team, 10th Mountain Division, Fort Drum, NY.

SPC Koran P. Contreras, 21, of Lawndale, CA, died of wounds suffered when enemy forces attacked his unit with an improvised explosive device September 8 in Kandahar, Afghanistan. Specialist Contreras was assigned to the 2nd Battalion, 87th Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division, Fort Drum, NY.

SPC Douglas J. Jeffries Jr., 20, of Springville, CA, died of wounds suffered when enemy forces attacked his unit with an improvised explosive device September 8 in Kandahar, Afghanistan. Specialist Jeffries was assigned to the 2nd Battalion, 87th Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division, Fort Drum, NY.

SSG Daniel A. Quintana, 30, of Huntington Park, CA, died September 10 in Paktika Province, Afghanistan, of wounds suffered when insurgents attacked his unit using small arms fire. Staff Sergeant Quintana was assigned to the 2nd Battalion, 28th Infantry Regiment, 172nd Infantry Brigade, Schweinfurt, Germany.

Cpl Michael J. Dutcher, 22, of Asheville, NC, died September 15 while conducting combat operations in Helmand Province, Afghanistan. Corporal Dutcher was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

PFC Carlos A. Aparicio, 19, of San Bernadino, CA, died September 23 in Wardak, Province, Afghanistan, of injuries suffered when insurgents attacked his unit using an improvised explosive device. Private First Class Aparicio was assigned to the 2nd Battalion, 4th Infantry Regiment, 4th Brigade Combat Team, 10th Mountain Division, Fort Polk, LA.

SGT Tyler N. Holtz, 22, of Dana Point, CA, died September 24 in Wardak Province, Afghanistan, of wounds suffered when insurgents attacked his unit using small arms fire. Sergeant Holtz was assigned to the 2nd Battalion, 75th Ranger Regiment, Joint Base Lewis-McChord, WA.

SPC Garrett A. Fant, 21, of American Canyon, CA, died September 26 in Helmand Province, Afghanistan, of wounds suffered when enemy forces attacked his unit with an improvised explosive device. Specialist Fant was assigned to the 4th Squadron, 4th Cavalry Regiment, 1st Heavy Brigade Combat Team, 1st Infantry Division, Fort Riley, KS.

SSgt Nicholas A. Sprovtsoff, 28, of Davison, MI, died September 28 while conducting combat operations in Helmand Province, Afghanistan. Staff Sergeant Sprovtsoff was assigned to 1st Marine Special Operations Battalion, U.S. Marine Corps Forces Special Operations Command, Camp Pendleton, CA.

Sgt Christopher Diaz, 27, of Albuquerque, NM, died September 28 while conducting combat operations in Helmand Province, Afghanistan. Sergeant Diaz was assigned to Headquarters Battalion, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

LCpl Benjamin W. Schmidt, 24, of San Antonio, TX, died October 6 while conducting combat operations in Helmand Province, Afghanistan. Lance Corporal Schmidt was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Ricardo Cerros Jr., 24, of Salinas, CA, died October 8 in Logar Province, Afghanistan, of wounds suffered when insurgents attacked his unit using small arms fire. Specialist Cerros was assigned to the 2nd Battalion, 75th Ranger Regiment, Joint Base Lewis-McChord, WA.

CW3 James B. Wilke, 38, of Ione, CA died October 10, in Doha, Qatar. Chief Warrant Officer Wilke was assigned to the 2nd Battalion, 43rd Air Defense Artillery Regiment, 11th Air Defense Artillery Brigade, 32nd Army Air and Missile Defense Command, Fort Bliss, TX.

SFC Kristoffer B. Domeij, 29, of San Diego, CA, died October 22, in Kandahar Province, Afghanistan, of wounds suffered when enemy forces attacked his unit with an improvised explosive device. Sergeant First Class Domeij was assigned to 2nd Battalion, 75th Ranger Regiment, Joint Base Lewis-McChord, WA.

LCpl Jordan S. Bastean, 19, of Pekin, IL, died October 23 while conducting combat operations in Helmand Province, Afghanistan. Lance Corporal Bastean was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

LCpl Jason N. Barfield, 22, of Ashford, AL, died October 24 while conducting combat operations in Helmand Province, Afghanistan. Lance Corporal Barfield was assigned to 3rd Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, based at Marine Corps Air Ground Combat Center Twentynine Palms, CA.

SSgt Stephen J. Dunning, 31, of Milpitas, CA, died October 27 while conducting combat operations in Helmand Province, Afghanistan. Staff Sergeant Dunning was assigned to 9th Engineer Support Battalion, 3rd Marine Logistics Group, III Marine Expeditionary Force, Okinawa, Japan.

SGT Carlo F. Eugenio, 29, of Rancho Cucamonga, CA, died October 29, in Kabul Province, Afghanistan, of wounds suffered when enemy forces attacked his vehicle with a vehicle-borne improvised explosive device. Sergeant Eugenio was assigned to 756th Transportation Company, 224th Sustainment Brigade, California Army National Guard, Van Nuys, CA.

LCpl Nickolas A. Daniels, 25, of Elmwood Park, IL, died November 5 while conducting combat operations in Helmand Province, Afghanistan. Lance Corporal Daniels was assigned to 3rd Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

I would also like to pay tribute to the one servicemember from California who has died while serving our country in Iraq since July 5, 2011. This brings to 892 the number of servicemembers either from California or based in California who have been killed while serving our country in Iraq. This represents 20 percent of all U.S. deaths in Iraq.

PFC Steven F. Shapiro, 29, of Hidden Valley Lake, CA, died October 21 in Tallil, Iraq. Private First Class Shapiro was assigned to the 3rd Battalion, 8th Cavalry Regiment, 3rd Advise and Assist Brigade, 1st Cavalry Division, Fort Hood, TX.

MILITARY FAMILY MONTH 2011

Mrs. BOXER. Mr. President, I rise today to ask my colleagues to join me in paying tribute to the men and women of our Armed Forces and their families during Military Family Month 2011.

Each November marks Military Family Month. This is an important time for Americans to recognize and honor the commitment and sacrifices of our extraordinary military families.

And it is a time to express our gratitude. We know that when a servicemember puts on a uniform, the entire family sacrifices for our country. Military families endure frequent moves, long separations, interruptions in careers and education, and the anxiety that comes with having a loved one in harm's way. They face these unique challenges with grace and courage.

We also know that the security of our Nation and the readiness of our military are inextricably linked to the strength of our military families. Not only do these families support our brave men and women in uniform, they come together to support each other and generously dedicate their time to make a difference in their communities.

As cochair of the Senate Military Family Caucus, I am deeply grateful to these incredible men, women and children for their strength and their sacrifice. Their selfless service to their communities and our Nation is an example for us all.

President Obama eloquently stated in proclaiming Military Family Month 2011 that ''With every step we take on

American soil, we tread on ground made safer for us through the invaluable sacrifices of our servicemembers and their families.''

While we can never fully repay the debt of gratitude we owe our military families, we can do everything possible to lessen their burden and provide for their needs.

I encourage all Americans to take time this month and all year round to recognize and honor our military families for the countless contributions they make each and every day for our great Nation.

REMEMBERING CASEY RIBICOFF

Mr. BLUMENTHAL. Mr. President, today I wish to recognize and honor the life and legacy of Casey Ribicoff, an inspiration, role model and friend to me and so many others.

Casey Ribicoff was a living legend. She and Abe shared a love that was heartfelt and moving, and obvious to all who knew them. She brought laughter and elegance to every friendship, most especially to her partnership with Abe. Together they traveled the world and country, making new friendships and visiting old ones, all the while creating enough memories to last a lifetime.

Having served on the Abe Ribicoff Senate staff, I can attest to their extraordinary partnership in public service, her deep caring for the people of Connecticut, and her commitment to social justice. She regarded the Senate as a platform for advocacy and hard work on behalf of Connecticut and the public interest. She and Abe were truly a team.

Casey had an impressive energy and strength. She was constantly involved in good causes, leading to her appointment by Jimmy Carter to the board of the Kennedy Center, a position she proudly held for 20 years. A founder of the AIDS Care Center at the New York Presbyterian Hospital, Casey always found new ways to give back and help the community.

As a personal friend, which she was to Cynthia and me, she was endlessly loyal and generous, and she leaves a legacy of good work that will be remembered for decades to come. Casey was kind, generous and loving. She will live on in the friendships and family that she cherished. She will be sorely missed but never forgotten.

ADDITIONAL STATEMENTS

GOODWILL INDUSTRIES OF NEW MEXICO

• Mr. BINGAMAN. Mr. President, today I wish to recognize the 70th anniversary of Goodwill Industries of New Mexico. Working in New Mexico communities since 1941, the organization has helped find work and provided training and development for countless needy New Mexicans.

The nonprofit organization provides essential skill development, career-building services, and work opportunities to residents facing serious employment barriers. This is an especially important service they provide considering the continuing difficulties facing many applicants in today's job market.

Despite high unemployment and a struggling economy, Goodwill Industries of New Mexico placed nearly 850 clients in public and private sector jobs last year. Many of these clients face challenges with various disabilities, homelessness, drug addiction, and traumatic brain injuries, among other barriers. And the impact of the organization's activities has been felt throughout the entire State. In 2010, Goodwill Industries served nearly 10,000 residents through 8 programs reaching all 33 counties. That is a tenfold increase from a decade ago.

Much of its funding is derived through its retail stores, with 87 cents of every dollar spent on programs and services. But last year alone, in addition to its retail sales, Goodwill Industries of New Mexico salvaged nearly 1,700 tons of textiles, 188 tons of shoes, recycled 536 tons of cardboard and paper, and kept nearly 35 tons of used electronics out of New Mexico landfills. The environmental impact of Goodwill's initiatives is making a positive difference as well.

The education and training programs provide intensified training to those in need at six training centers across the State. Their programs also help low-income seniors to market themselves and acquire skills to compete in today's job market and place individuals in subsidized jobs with a host agency with the goal of moving that employee into a permanent position within the community.

Its Pathways programs assist the near homeless and chronically homeless in obtaining access to housing and the opportunity to begin a new life through the power of work. Goodwill Industries' GoodGuides Mentoring Program pairs adults with at risk teens. Mentors provide structure and a supportive relationship with middle and high school-aged students. Goodwill volunteers work with teens to establish goals, build career plans, and work toward high school graduation to prepare for postsecondary training or college.

Traumatic brain injuries often leave patients confused and bewildered, struggling with simple day-to-day tasks. The caring staff in the TBI case management program assisted over 500 clients in crisis last year from imminent risk to their safety and health. I was also pleased to announce in July that this highly respected organization received over a $1½ million grant from the VA to prevent homelessness among New Mexican veterans and their families.

Mr. President, I join Goodwill Industries of New Mexico in celebrating its 70th anniversary, and I congratulate them on being one of my State's premier service providers advocating for the disabled, homeless, and unemployed.•

TRIBUTE TO ROBERT AND MARGARET PATRICELLI

• Mr. BLUMENTHAL. Mr. President, today I wish to commend Robert and Margaret Patricelli, of Simsbury, CT, for their immense generosity and vision in establishing an institute that will promote and support important public service activities.

Public policy and service have played a central role in the Patricelli's careers and lives. Graduating from Wesleyan in 1961 and Harvard Law in 1965, Bob was selected as one of 15 people for the first White House Fellows Program. His participation helped shape him as someone who understands the value of public policy and government service. Both he and Margaret are always looking for ways to give back and inspire others.

Their passion for giving back and helping others is what moved them to start the Robert and Margaret Patricelli Family Foundation to bring a tangible reality to programs and projects that serve the greater good. What Bob and Margaret have done through their family's foundation is inspiring and moving—and will continue to serve the country, and the world, for generations to come. Their philanthropic and service activities have touched countless lives across the State, from the arts to science, hospitals to schools, and programs assisting low-income neighborhoods.

In May of this year, the foundation contributed substantially to Wesleyan University, establishing the Patricelli Center for Social Entrepreneurship. This center will support students seeking to establish programs and organizations, providing workshops, speakers and networking opportunities for students. It will help encourage and embolden students who are focused on becoming social entrepreneurs, as well as award grants to undergraduate students engaged in specific projects. The foundation's most recent contribution to Wesleyan is one more example of great caring and commitment that lead me to recognize Bob and Margaret for all that they have done for our State and country.

A role model and inspiration to all who value public service, I commend and thank Bob and Margaret Patricelli for their legacy of great work for Connecticut and the country.•

TRIBUTE TO JONATHAN M. TOPODAS

• Mr. LIEBERMAN. Mr. President, I wish today to pay tribute to Jonathan M. Topodas, who will be retiring this month after a spectacular 38-year-career with Aetna, one of Connecticut's leading corporate citizens.

Jonathan joined Aetna's law department after graduating from Southern

Methodist University Law School in 1974. Throughout his tenure with the company, he has provided sound legal advice to many of the firm's clients. More recently, Jonathan joined Aetna's Federal relations team, where he currently serves as the vice president and counsel responsible for Federal health legislative and regulatory matters. In this position, Jonathan has been an important voice in debates about critical health care issues, such as Medicare and patient safety.

In addition to his work with Aetna, Jonathan also earned a congressional fellowship through the Brookings Institution in 1979. Through this program, he worked as a counsel for the Senate Judiciary Committee. He also serves on the board of directors of the American Benefits Council, and has worked together with respected business organizations such as the U.S. Chamber of Commerce and the National Association of Manufacturers.

Jonathan's wife Elaine, an accomplished dancer and teacher, shares his commitment to community service. Elaine is affiliated with several community groups and theaters as a choreographer and director. She is passionate about her work, so much so that she returns to Connecticut during the summer to work with local dance troupes in a variety of settings. I thank Elaine for her contributions to Connecticut's vibrant artistic culture.

In his off-work hours, Jonathan enjoys spending time with his three children and two grandchildren. He also loves to explore his deep Greek heritage. Jonathan's ancestors made their living as divers in the Aegean Sea, and Jonathan is known to regale his friends and colleagues with fascinating anecdotes about Greek history and culture, such as the history of the Hippocratic Oath.

I wish Jonathan Topodas, and his family, nothing but the best as he gets ready to begin a well-deserved retirement.●

BANGOR HIGH SCHOOL'S GIRLS SOCCER TEAM

● Ms. SNOWE. Mr. President, today I extend my most heartfelt congratulations to the Bangor High School Girls Soccer Team, which on November 5, 2011, clinched the programs first-ever Maine Class A State Championship, and in doing so achieved the remarkable feat of a perfect season! I applaud Coach Johnson and each and every member of the team on their milestone accomplishment!

Indeed, the story of the Bangor Girls Soccer Team is truly inspiring, characterized by an extraordinary strength of character and conviction that could not be more emblematic of our great State of Maine. The team embarked upon this season imbued with the distinct recollection of its heartbreaking loss in last years championship match, but under the steadfast leadership of 12 seniors who have been lifelong friends and teammates, the team admirably transformed that defeat into an indefatigable drive to seize the gold ball.

From that point forward, the team demonstrated an awe-inspiring, unmatched fortitude and tenacity that propelled them to victory after victory. As senior Liz Hintz stated in a Bangor Daily News article, We took every game seriously. We knew we couldnt afford to let down for even ten minutes because we knew it could cost us. That undeterred, laser beam focus was reflected in their statistics as well. In the regular season alone, the team incredibly outscored their opponents 98–8, and in the postseason, an even more impressive 18–0.

The teams unwavering motivation led them all the way to their second consecutive championship game where, in a rematch of the previous years title contest, they again confronted the reigning champion. Undaunted, the team played with the unflagging passion and willpower that had become its hallmark characteristic, working tirelessly on both offense and defense and never relenting to a challenge. That irreversible tide of momentum as the opposing coach called it carried Bangor to a convincing 4–0 victory and its first Class A Championship.

The legendary Mia Hamm once astutely observed, The backbone of success is usually found in old-fashioned, basic concepts like hard work, determination, good planning and perseverance. If any team epitomizes that belief, its the Bangor Girls Soccer Team, which overcame the heart-wrenching loss of last year to become the best team in Class A soccer this year.

Again, I congratulate and commend the Bangor High School Girls Soccer Team on their well-deserved victory as well as their extraordinary efforts. What a wonderful success story they are for Bangor and our great State of Maine!●

TRIBUTE TO MARVIN BREWSTER

● Mr. TESTER. Mr. President, today I honor Marvin Brewster, a veteran of the Vietnam war. And a familiar volunteer in the community of Great Falls, MT. For years, Marv has been very active in Toys for Tots, and the Marine Corps League, and the Great Falls Farmers Market.

Marv Brewster is also an artist. He sculpted the 13-foot angel that graces the Montana Veterans' Memorial. Anyone who has visited that memorial has no doubt been uplifted by the power and comfort of Marv's statue.

Through all of his work in this community, Marv never asked for recognition. He just did as all Marines do—the very best he could on behalf of his fellow citizens.

Forty-six years ago, Marv joined the Navy. He served with M Company, 3rd Battalion, 7th Marines as a combat corpsman in Vietnam.

I would like to read what COL C.H. Bodley, the commander of the 3rd Battalion, said to Marv in 1966. And this is a direct quote:

> You have performed your duties as Platoon Corpsman in an outstanding manner . . . Your potential was more fully exploited as you participated in eight major operations and numerous small unit activities. On Operation Mallard' the company sustained 13 casualties from Viet Cong small arms and mortar fire. Without hesitation, you moved through the area administering aid and comforting those in need of your assistance . . . Your performance on Operation Mallard' is indicative of the consistently fine work you have been doing. Your eagerness to serve, unswerving loyalty and professional ability have earned you the respect and confidence of all who have been associated with you. It is indeed a pleasure to have men of your caliber in my command and I highly commend you for a job well done.

On April 21, 1966, Marv was wounded in combat during ''Operation Hot Springs.'' For his sacrifice, he received a Purple Heart.

Marv got the medal. But his Purple Heart was never recorded in his official records. The Navy said it was the Marines' job. The Marines said it was the Navy's job.

Decades later, Marv Brewster reached out to my office to fix his record once and for all so he could access the health benefits he earned as he faces another tough challenge: cancer, related to Agent Orange exposure in Vietnam.

Yesterday, it was my honor to present Marv with the Purple Heart Award Certificate he should have received nearly 50 years ago, and with it a corrected ''DD 215'' discharge form.

History shows us that Marv is an honored recipient of the Purple Heart, and all the benefits that come with it.

In researching Marv's records, we learned that Marv never received several other decorations he earned years ago. Yesterday, I also had the honor of presenting to Marv, the Navy Good Conduct Medal, and the National Defense Service Medal. It was also my honor to present the Vietnam Service Medal with three Bronze Stars, and the Presidential Unit Citation Ribbon. Yesterday I also presented to Marv the Combat Action Ribbon and the Vietnam Campaign Medal with 1960 Device. These decorations are small tokens, but they are powerful symbols of true heroism—sacrifice and dedication to service.

These medals are presented on behalf of a grateful nation that wishes you and your family, Marv, the very best in the 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 which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:22 p.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 bill, without amendment:

S. 1412. An act to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the ''Officer John Maguire Post Office''.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 298. An act 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''.

H.R. 588. An act to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

H.R. 2422. An act to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the ''Sergeant Angel Mendez Post Office''.

ENROLLED BILL SIGNED

At 5:30 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 398. An act to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 298. An act 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''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 588. An act to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge; to the Committee on Environment and Public Works.

H.R. 2422. An act to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the ''Sergeant Angel Mendez Post Office''; to the Committee on Homeland Security and Governmental Affairs.

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–3917. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of French Beans and Runner Beans From the Republic of Kenya Into the United State'' ((RIN0579–AD39)(Docket No. APHIS–2010–0101)) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3918. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Remittance Transfers'' (RIN3133–AD94) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3919. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulations G, O, W, BB, LL, MM, Rules Regarding Availability of Information, Rules of Procedure, Rules of Practice for Hearings, and Post-employment Restrictions for Senior Examiners'' (RIN7100–AD80) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3920. 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 Designations for the 2008 Lead (Pb) National Ambient Air Quality Standards'' (FRL No. 9492–3) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC–3921. 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 the California State Implementation Plan, Placer County Air Pollution Control District and Sacramento Metropolitan Air Quality Management District'' (FRL No. 9492–2) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC–3922. 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 the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 9490–1) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC–3923. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutant Emissions for Shipbuilding and Ship Repair (Surface Coating); National Emission Standards for Wood Furniture Manufacturing Operations'' (FRL No. 9491–4) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC–3924. 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 the California State Implementation Plan, South Coast Air Quality Management District'' (FRL No. 9489–2) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC–3925. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Permit Renewals'' (FRL No. 9489–9) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC–3926. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Charlotte–Gastonia–Rock Hill, North Carolina and South Carolina; Determinations of Attainment of the 1997 8–Hour Ozone Standard'' (FRL No. 9490–5) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC–3927. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for a Specific Source in the State of New Jersey'' (FRL No. 9486–1) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC–3928. 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; Indiana; Redesignation of the Indianapolis Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter'' (FRL No. 9489–6) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC–3929. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutant Emissions for Primary Lead Processing'' (FRL No. 9491–2) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Environment and Public Works.

EC–3930. A communication from the Management and Program Analyst, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Community Forest and Open Space Conservation Program'' (RIN0596–AC84) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3931. A communication from the Management and Program Analyst, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Prohibitions–Developed Recreation Sites'' (RIN0596–AC98) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3932. A communication from the Chief of Planning and Regulatory Affairs, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Applying for Free and Reduced Price Meals in the National

School Lunch Program and School Breakfast Program and for Benefits in the Special Milk Program, and Technical Amendments'' (RIN0584–AD54) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3933. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Resolution Plans Required'' (RIN7100–AD73; RIN3064–AD77) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3934. A communication from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Transfer and Redesignation of Certain Regulations Involving State Savings Associations Pursuant to the Dodd–Frank Wall Street Reform and Consumer Protection Act of 2010'' (RIN3064–AD82) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3935. A communication from the Secretary, Office of Regulatory Policy, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Rescission of Outdated Rules and Forms, and Amendments to Correct References'' (Release Nos. 33–9273, 34–65686, 39–2480, IA–3310 and IC–29855) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3936. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Changes to Implement the United States/Australian Agreement for Peaceful Nuclear Cooperation'' received in the Office of the President of the Senate on November 10, 2011; to the Committee on Energy and Natural Resources.

EC–3937. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''National Coverage Determinations''; to the Committee on Finance.

EC–3938. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement to include the export of defense articles, including, technical data, and defense services to Turkey to support the manufacture of X200 Transmissions, Parts, Components and Accessories in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–3939. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as Amended'' (RIN1400–AC86) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Foreign Relations.

EC–3940. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed amendments to part 126 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC–3941. A communication from the Director, Directorate of Enforcement Programs, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled ''Procedures for the Handling of Retaliation Complaints Under Section 806 of the Sarbanes–Oxley Act of 2002, as Amended'' (RIN1218–AC53) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3942. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65)(Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3943. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65)(Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3944. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled ''Telework: Weighing the Information, Determining an Appropriate Approach''; to the Committee on Homeland Security and Governmental Affairs.

EC–3945. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from April 1, 2011 through September 30, 2011, received in the Office of the President of the Senate on November 14, 2011; ordered to lie on the table.

EC–3946. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Live Swine, Swine Semen, Pork, and Pork Products From Lichtenstein and Switzerland'' (Docket No. APHIS–2009–0093) received in the Office of the President of the Senate on November 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3947. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Walnuts Grown in California; Increased Assessment Rate'' (Docket No. AMS–FV–11–0062; FV11–984–1 FR) received in the Office of the President of the Senate on November 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3948. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Modification of Handling Regulation'' (Docket No. AMS–FV–11–0025; FV11–958–1 FR) received in the Office of the President of the Senate on November 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment:

S. 899. A bill to provide for the eradication and control of nutria (Rept. No. 112–94).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

H.R. 1059. A bill to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 1867. An original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BLUMENTHAL:

S. 1861. A bill to provide subsidized employment for unemployed, low-income adults, provide summer employment and year-round employment opportunities for low-income youth, and carry out work-related and educational strategies and activities of demonstrated effectiveness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Ms. SNOWE, Mr. KERRY, Mr. JOHNSON of South Dakota, Mrs. HAGAN, and Mr. MENENDEZ):

S. 1862. A bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mr. REID, Mr. BURR, and Mr. CHAMBLISS):

S. 1863. A bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation; to the Committee on Finance.

By Mr. VITTER:

S. 1864. A bill to extend the National Flood Insurance Program until September 30, 2012; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRANKEN (for himself, Mr. ALEXANDER, Mr. KERRY, and Mrs. HAGAN):

S. 1865. A bill to improve patient access to medical innovation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COONS (for himself and Mr. RUBIO):

S. 1866. A bill to provide incentives for economic growth, and for other purposes; to the Committee on Finance.

By Mr. LEVIN:

S. 1867. An original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. MENENDEZ (for himself, Mr. REID, Mr. RUBIO, Mrs. GILLIBRAND, Mr. SCHUMER, Mr. CASEY, Mr. AKAKA, Mrs. HAGAN, and Mr. UDALL of New Mexico):

S. 1868. A bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes; to the Committee on Rules and Administration.

By Mr. DEMINT:

S. 1869. A bill to terminate the Economic Development Administration, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BOOZMAN:

S. 1870. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum and direct the Administrator of General Services to transfer administrative jurisdiction, custody, and control of the building located at 600 Pennsylvania Avenue, NW, in the District of Columbia, to the National Gallery of Art, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BROWN of Massachusetts (for himself and Mr. RUBIO):

S. 1871. A bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY (for himself and Mr. BURR):

S. 1872. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes; to the Committee on Finance.

By Mr. LUGAR:

S. 1873. A bill to amend the Internal Revenue Code of 1986 to extend for 1 year the allowance for bonus depreciation and the increased expensing limitations for depreciable business assets; to the Committee on Finance.

By Mr. MERKLEY (for himself, Ms. LANDRIEU, and Ms. SNOWE):

S. 1874. A bill to require the timely identification of qualified census tracts for purposes of the HUBZone program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEE (for himself and Mr. RUBIO):

S. 1875. A bill to reauthorize the International Religious Freedom Act of 1998; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. REID, Mr. CRAPO, Mr. HELLER, Mr. LEE, and Mr. UDALL of New Mexico):

S. Res. 323. A resolution recognizing the 75th Anniversary of the Welfare Program of The Church of Jesus Christ of Latter-day Saints and the significant impact of the Welfare Program in the United States and throughout the world in helping people in need; considered and agreed to.

ADDITIONAL COSPONSORS

S. 276

At the request of Mr. BENNET, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 276, a bill to amend the National Trails System Act to provide for the study of the Pike National Historic Trail.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 299

At the request of Mr. PAUL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 299, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Arkansas (Mr. BOOZMAN) 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. 431

At the request of Mr. PRYOR, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 641

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1106

At the request of Mr. KOHL, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1106, a bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces.

S. 1173

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1173, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1214, a bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1249

At the request of Mr. UDALL of Colorado, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1249, a bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

S. 1277

At the request of Ms. CANTWELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1277, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

S. 1440

At the request of Mr. ALEXANDER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1541

At the request of Mr. BENNET, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1593

At the request of Mrs. GILLIBRAND, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1593, a bill to amend the Food and Nutrition Act of 2008 to require State electronic benefit transfer contracts to treat wireless program retail food stores in the same manner as wired program retail food stores.

S. 1597

At the request of Mr. BROWN of Ohio, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1597, a bill to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

S. 1651

At the request of Mr. SESSIONS, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1670

At the request of Mr. REID, his name was added as a cosponsor of S. 1670, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1676

At the request of Mr. THUNE, the name of the Senator from Alabama

(Mr. SHELBY) was added as a cosponsor of S. 1676, a bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt.

S. 1679

At the request of Mr. THUNE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1679, a bill to ensure effective control over the Congressional budget process.

S. 1776

At the request of Mr. CARDIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1776, a bill to amend title 10, United States Code, to expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced-cost accommodations.

S. 1792

At the request of Mr. WHITEHOUSE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1792, a bill to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.

S. 1798

At the request of Mr. UDALL of New Mexico, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1798, a bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes.

S.J. RES. 28

At the request of Mr. WYDEN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S.J. Res. 28, a joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Bahrain.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 251

At the request of Mr. CARPER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. Res. 251, a resolution expressing support for improvement in the collection, processing, and consumption of recyclable materials throughout the United States.

S. RES. 320

At the request of Ms. SNOWE, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Ohio (Mr. PORTMAN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Res. 320, a resolution designating November 26, 2011, as ''Small Business Saturday'' and supporting efforts to increase awareness of the value of locally owned small businesses.

AMENDMENT NO. 934

At the request of Mr. HATCH, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Kentucky (Mr. PAUL), the Senator from Nebraska (Mr. JOHANNS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 934 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 940

At the request of Mr. MCCAIN, the names of the Senator from Montana (Mr. TESTER), the Senator from South Carolina (Mr. GRAHAM), the Senator from West Virginia (Mr. MANCHIN) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of amendment No. 940 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOOZMAN:

S. 1870. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum and direct the Administrator of General Services to transfer administrative jurisdiction, custody, and control of the building located at 600 Pennsylvania Avenue, NW, in the District of Columbia, to the National Gallery of Art, and for other purposes; to the Committee on Environment and Public Works.

Mr. BOOZMAN. Mr. President, today I am introducing a piece of legislation that will save taxpayers an estimated $50 million. This bill will change the ownership of two properties in D.C. and provide a space for the National Women's History museum. Under my legislation, the current headquarters of the Federal Trade Commission, the Apex Building, would be transferred to the National Gallery of Art. Current Federal Trade Commission employees would be relocated to office space already leased to the federal government. The Apex building, under my legislation, would be used more efficiently and opened up for maximum public use.

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. 1870

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 History Museum and Federal Facilities Consolidation and Efficiency Act of 2011''.

TITLE I—NATIONAL WOMEN'S HISTORY MUSEUM

SEC. 101. SHORT TITLE.

This title may be cited as the ''National Women's History Museum Act of 2011''.

SEC. 102. DEFINITIONS.

In this title, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) CERCLA.—The term ''CERCLA'' means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(3) COMMITTEES.—The term ''Committees'' means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(4) MUSEUM.—The term ''Museum'' means the National Women's History Museum, Inc., a District of Columbia nonprofit corporation exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

(5) PROPERTY.—The term ''Property'' means the property located in the District of Columbia, subject to survey and as determined by the Administrator, generally consisting of Squares 325 and 326 and a portion of Square 351. The Property is generally bounded by 12th Street, Independence Avenue, C Street, and the James Forrestal Building, all in Southwest Washington, District of Columbia, and shall include all associated air rights, improvements thereon, and appurtenances thereto.

SEC. 103. CONVEYANCE OF PROPERTY.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Subject to the requirements of this title, the Administrator shall convey the Property to the Museum, on such terms and conditions as the Administrator considers reasonable and appropriate to protect the interests of the United States and further the purposes of this title.

(2) AGREEMENT.—As soon as practicable, but not later than 180 days after the date of enactment of this Act, the Administrator shall enter into an agreement with the Museum for the conveyance.

(3) TERMS AND CONDITIONS.—The terms and conditions of the agreement shall address, among other things, mitigation of developmental impacts to existing Federal buildings and structures, security concerns, and operational protocols for development and use of the property.

(b) PURCHASE PRICE.—

(1) IN GENERAL.—The purchase price for the Property shall be its fair market value based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Museum.

(2) SELECTION OF APPRAISER.—The appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Museum.

(3) TERMS AND CONDITIONS FOR APPRAISAL.—

(A) IN GENERAL.—Except as provided by subparagraph (B), the assumptions, scope of work, and other terms and conditions related

to the appraisal assignment shall be mutually acceptable to the Administrator and the Museum.

(B) REQUIRED TERMS.—The appraisal shall assume that the Property does not contain hazardous substances (as defined in section 101 of CERCLA (42 U.S.C. 9601)) or any other hazardous waste or pollutant that requires a response action or corrective action under any applicable environmental law.

(c) APPLICATION OF PROCEEDS.—The purchase price shall be paid into an account in the Federal Buildings Fund established under section 592 of title 40, United States Code. Upon deposit, the proceeds from the conveyance may only be expended subject to a specific future appropriation.

(d) QUIT CLAIM DEED.—The Property shall be conveyed pursuant to a quit claim deed.

(e) USE RESTRICTION.—The Property shall be dedicated for use as a site for a national women's history museum for the 99-year period beginning on the date of conveyance to the Museum.

(f) FUNDING RESTRICTION.—No Federal funds shall be made available—

(1) to the Museum for—

(A) the purchase of the Property; or

(B) the design and construction of any facility on the Property; or

(2) by the Museum or any affiliate of the Museum as a credit pursuant to section 104(b)

(g) REVERSION.—

(1) BASES FOR REVERSION.—The Property shall revert to the United States, at the option of the United States, without any obligation for repayment by the United States of any amount of the purchase price for the property, if—

(A) the Property is not used as a site for a national women's history museum at any time during the 99-year period referred to in subsection (e); or

(B) the Museum has not commenced construction of a museum facility on the Property in the 5-year period beginning on the date of enactment of this Act, other than for reasons beyond the control of the Museum as reasonably determined by the Administrator.

(2) ENFORCEMENT.—The Administrator may perform any acts necessary to enforce the reversionary rights provided in this section.

(3) CUSTODY OF PROPERTY UPON REVERSION.—If the Property reverts to the United States pursuant to this section, such property shall be under the custody and control of the Administrator.

(h) CLOSING.—The conveyance pursuant to this title shall occur not later than 3 years after the date of enactment of this Act. The Administrator may extend that period for such time as is reasonably necessary for the Museum to perform its obligations under section 104(a).

SEC. 104. ENVIRONMENTAL MATTERS.

(a) AUTHORIZATION TO CONTRACT FOR ENVIRONMENTAL RESPONSE ACTIONS.—In fulfilling the responsibility of the Administrator to address contamination on the Property, the Administrator may contract with the Museum or an affiliate of the Museum for the performance (on behalf of the Administrator) of response actions on the Property.

(b) CREDITING OF RESPONSE COSTS.—

(1) IN GENERAL.—Any costs incurred by the Museum or an affiliate of the Museum using non-Federal funding pursuant to subsection (a) shall be credited to the purchase price for the Property.

(2) LIMITATION.—A credit under paragraph (1) shall not exceed the purchase price of the Property.

(c) NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this title, or any amendment made by this title, affects or limits the application of or obligation to comply with any environmental law, including section 120(h) of CERCLA (42 U.S.C. 9620(h)).

SEC. 105. INCIDENTAL COSTS.

Subject to section 104, the Museum shall bear any and all costs associated with complying with the provisions of this title, including studies and reports, surveys, relocating tenants, and mitigating impacts to existing Federal buildings and structures resulting directly from the development of the property by the Museum.

SEC. 106. LAND USE APPROVALS.

(a) EXISTING AUTHORITIES.—Nothing in this title shall be construed as limiting or affecting the authority or responsibilities of the National Capital Planning Commission or the Commission of Fine Arts.

(b) COOPERATION.—

(1) ZONING AND LAND USE.—Subject to paragraph (2), the Administrator shall reasonably cooperate with the Museum with respect to any zoning or other land use matter relating to development of the Property in accordance with this title. Such cooperation shall include consenting to applications by the Museum for applicable zoning and permitting with respect to the property.

(2) LIMITATIONS.—The Administrator shall not be required to incur any costs with respect to cooperation under this subsection and any consent provided under this subsection shall be premised on the property being developed and operated in accordance with this title.

SEC. 107. REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter until the end of the 5-year period following conveyance of the Property or until substantial completion of the museum facility (whichever is later), the Museum shall submit annual reports to the Administrator and the Committees detailing the development and construction activities of the Museum with respect to this title.

TITLE II—FEDERAL TRADE COMMISSION AND THE NATIONAL GALLERY OF ART

SEC. 201. SHORT TITLE.

This title may be cited as the ''Federal Trade Commission and National Gallery of Art Facility Consolidation, Savings, and Efficiency Act of 2011''.

SEC. 202. TRANSFER.

Notwithstanding any other provision of law and not later than December 31, 2012, the Administrator of General Services shall transfer administrative jurisdiction, custody, and control of the building located at 600 Pennsylvania Avenue, NW., District of Columbia, to the National Gallery of Art for the purpose of housing and exhibiting works of art and to carry out administrative functions and other activities related to the mission of the National Gallery of Art.

SEC. 203. REMODELING, RENOVATING, OR RECONSTRUCTING.

(a) IN GENERAL.—The National Gallery of Art shall pay for the costs of remodeling, renovating, or reconstructing the building referred to in section 202.

(b) FEDERAL SHARE.—No appropriated funds may be used for the initial costs for the remodeling, renovating, or reconstructing of the building referred to in section 202.

(c) PROHIBITION.—The National Gallery of Art may not use sale, lease, or exchange, including leaseback arrangements, for the purposes of remodeling, renovating, or reconstructing the building referred to in section 202.

SEC. 204. RELOCATION OF THE FEDERAL TRADE COMMISSION.

(a) RELOCATION.—Not later than the date specified in section 202, the Administrator of General Services shall relocate the Federal Trade Commission employees and operations housed in the building identified in such section to not more than 160,000 usable square feet of space in the southwest quadrant of the leased building known as Constitution Center located at 400 7th Street, Southwest in the District of Columbia.

(b) OCCUPANCY AGREEMENT.—Not later than 30 days following enactment of this Act, the Administrator of General Services and the Securities and Exchange Commission shall execute an agreement to assign or sublease the space (leased pursuant to a Letter Contract entered into by the Securities and Exchange Commission on July 28, 2010) as described in subsection (a), for the purposes of housing the Federal Trade Commission employees and operations relocating from the building located at 600 Pennsylvania Avenue, NW., District of Columbia, pursuant to subsection (a) of this section.

SEC. 205. NATIONAL GALLERY OF ART.

Beginning on the date that the National Gallery of Art occupies the building referred to in section 202—

(1) the building shall be known and designated as the ''North Building of the National Gallery of Art''; and

(2) any reference in a law, map, regulation, document, paper, or other record of the United States to the building shall be deemed to be a reference to the ''North Building of the National Gallery of Art''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 323—RECOGNIZING THE 75TH ANNIVERSARY OF THE WELFARE PROGRAM OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS AND THE SIGNIFICANT IMPACT OF THE WELFARE PROGRAM IN THE UNITED STATES AND THROUGHOUT THE WORLD IN HELPING PEOPLE IN NEED

Mr. HATCH (for himself, Mr. REID of Nevada, Mr. CRAPO, Mr. HELLER, Mr. LEE, and Mr. UDALL of New Mexico) submitted the following resolution; which was considered and agreed to:

S. RES. 323

Whereas in 1936, while the United States was mired in the Great Depression, Heber J. Grant, President of The Church of Jesus Christ of Latter-day Saints (referred to in this Resolution as ''the LDS Church''), announced the creation of what came to be known as the Welfare Program;

Whereas President Grant explained, ''Our primary purpose was to set up . . . a system under which the curse of idleness would be done away with, the evils of a dole abolished, and independence, industry, thrift and self respect be once more established amongst our people . . . The aim of the Church is to help the people to help themselves. Work is to be re-enthroned as the ruling principle of the lives of our Church membership.'';

Whereas, the LDS Church's Welfare Program, which is based on the principles of self-reliance and industry, has expanded throughout the world and assists people of all faiths by caring for the needy while simultaneously teaching principles to help them become self-reliant and retain their self respect;

Whereas funding for the LDS Church's Welfare Program is provided by the members of The Church of Jesus Christ of Latter-day Saints, who routinely fast for 2 consecutive

meals every month and make donations to the LDS Church's Welfare Program that is at least equal to the money they would have spent on food;

Whereas the LDS Church's Welfare Program provides opportunities for members of The Church of Jesus Christ of Latter-day Saints to help the less fortunate by working at dozens of farms and canneries located throughout the United States and Canada that produce food for needy people;

Whereas needy people in the community are identified by the leader of each local church congregation, in consultation with other local leaders, including the Relief Society President (a woman from the congregation who serves as the local leader of the LDS Church's women's organization);

Whereas people in need are provided free food and household items at facilities called Bishop's Storehouses after receiving a written requisition from the leader of their local congregation;

Whereas the 129 Bishop's Storehouses, which are located throughout the world, provide needed commodities from the consecrated sacrifices of members of The Church of Jesus Christ of Latter-day Saints;

Whereas recipients of these commodities are given service opportunities, to the extent of their ability, which allow them to demonstrate their gratitude for what they have received;

Whereas employment resource service centers, which are also part of the LDS Church's Welfare Program, provide a place where people can receive job training, learn to enhance their resumes, and find job opportunities;

Whereas there are nearly 300 employment resource service centers throughout the world, at which volunteers help hundreds of thousands of people to find jobs every year, a large percentage of whom are not members of The Church of Jesus Christ of Latter-day Saints;

Whereas the LDS Church's Welfare Program also includes Deseret Industries, which serves as an employment training facility and operates thrift stores;

Whereas these thrift stores provide on-the-job experience for refugees or others who need help qualifying for long-term employment and are stocked by individual donations, which are offered to the public at inexpensive prices;

Whereas the LDS Church's Welfare Program also includes LDS Family Services, a private, nonprofit organization that provides counseling, adoption services, addiction recovery support groups, and resources for social, emotional, and spiritual challenges;

Whereas the influence and power for good exerted by the Welfare Program of the LDS Church has greatly expanded over its 75-year history; and

Whereas the positive impact of the LDS Church's Welfare Program in the United States has assisted untold numbers of United States citizens:

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 75th Anniversary of the Welfare Program of The Church of Jesus Christ of Latter-day Saints;

(2) congratulates the members of The Church of Jesus Christ of Latter-day Saints for the significant contribution that its Welfare Program has had on United States citizens and many people throughout the world; and

(3) commends the many efforts made by The Church of Jesus Christ of Latter-day Saints and its members, through its Welfare Program, to serve others regardless of religious affiliation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 950. Mr. HOEVEN (for himself, Mr. ROCKEFELLER, and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 951. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 952. Mr. CASEY (for himself, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. BENNET, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 953. Mr. RUBIO (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 954. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 955. Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 956. Mr. REID proposed an amendment to the bill H.R. 2354, supra.

SA 957. Mr. REID proposed an amendment to the bill H.R. 2354, supra.

SA 958. Mr. REID proposed an amendment to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra.

SA 959. Mr. REID proposed an amendment to amendment SA 958 proposed by Mr. REID to the amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra.

SA 960. Mr. REID proposed an amendment to the bill H.R. 2354, supra.

SA 961. Mr. REID proposed an amendment to amendment SA 960 proposed by Mr. REID to the bill H.R. 2354, supra.

SA 962. Mr. REID proposed an amendment to the bill H.R. 2354, supra.

SA 963. Mr. REID proposed an amendment to amendment SA 962 proposed by Mr. REID to the bill H.R. 2354, supra.

SA 964. Mr. REID proposed an amendment to amendment SA 963 proposed by Mr. REID to the amendment SA 962 proposed by Mr. REID to the bill H.R. 2354, supra.

SA 965. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 966. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 967. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 968. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 969. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 970. Mr. MCCAIN (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 971. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 972. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 973. Mr. BLUNT (for himself, Mr. INHOFE, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 974. Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 975. Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 976. Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 977. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 978. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 979. Mr. BEGICH (for himself, Mr. MCCAIN, Mr. VITTER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 980. Mr. WEBB (for himself, Mr. BOOZMAN, Mr. HELLER, Mr. ROBERTS, and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 981. Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 982. Mr. MENENDEZ (for himself, Mr. REID, and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 983. Mrs. MCCASKILL (for herself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 984. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 985. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 986. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 987. Mr. RUBIO (for himself, Mr. CORNYN, and Mrs. HUTCHISON) submitted an

amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 988. Mr. ENZI (for himself, Mr. DEMINT, Mr. PAUL, and Mr. JOHANNS) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 989. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 990. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 991. Mr. COONS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 992. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 993. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 994. Mr. CARDIN (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 995. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 996. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 997. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 998. Mrs. SHAHEEN (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 999. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1000. Mr. WICKER (for himself, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1001. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1002. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1003. Mr. ROBERTS (for himself, Mr. JOHANNS, and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1004. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1005. Ms. SNOWE (for herself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1006. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1007. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1008. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1009. Mrs. HAGAN (for herself and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1010. Mr. MENENDEZ (for himself, Mr. REID, and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1011. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1012. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1013. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1014. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1015. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1016. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1017. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 950. Mr. HOEVEN (for himself, Mr. ROCKEFELLER, and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, lines 8 and 9, strike ''445,471,000, to remain available until expended: *Provided*,'' and insert ''$475,471,000, to remain available until expended: *Provided*, That $10,000,000 shall be available for natural gas technologies, $10,000,000 shall be available for unconventional fossil energy technologies, and $10,000,000 shall be available for advanced energy systems: *Provided further*,''.

On page 44, line 11, strike ''$2000,000,000'' and insert ''$170,000,000''.

SA 951. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available under this Act may be used to pay compensation in the form of bonuses for senior executives at the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation during fiscal year 2012.

SA 952. Mr. CASEY (for himself, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. BENNET, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In section 7065(c)(5), strike ''PRECURSOR CHEMICALS.—Funds'' and insert the following: ''PRECURSOR CHEMICALS.—

(A) CERTIFICATION.—

(i) LIMITATION.—Funds appropriated or otherwise made available by this division under the headings ''FOREIGN MILITARY FINANCING PROGRAM'' and ''PAKISTAN COUNTER-INSURGENCY CAPABILITY FUND'' should not be obligated until the Secretary of State certifies to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives that the Government of Pakistan is demonstrating a continuing commitment to and is making significant efforts towards the implementation of a strategy to counter improvised explosive devices (IEDs). For purposes of this clause, significant implementation efforts include attacking IED networks, monitoring of known precursors used in IEDs, and the development of a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users.

(ii) WAIVER.—The Secretary of State may waive the requirements of clause (i) if the Secretary determines it is in the national security interest of the United States to do so.

(B) ASSISTANCE.—Funds

SA 953. Mr. RUBIO (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 481, after line 21, add the following:

SEC. 7088. (a) None of the amounts appropriated or otherwise made available by this division may be appropriated or otherwise made available for a United States contribution to the United Nations Educational, Scientific and Cultural Organization (UNESCO).

(b) United States contributions that would have otherwise been provided to UNESCO should be redirected by the Secretary of the Treasury for payment to the Inter-American Development Bank for the United States share of the paid-in portion of the increase in capital stock.

SA 954. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an

amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, strike lines 11 through 22.

SA 955. Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 15 and 16, insert the following:

SEC. 2____. None of the funds appropriated or otherwise made available by this Act for ongoing work on rural water regional programs of the Bureau of Reclamation that is in addition to the amount requested in the annual budget submission of the President (including funds for related settlements) shall be used by the Secretary of the Interior to carry out any authorized rural water supply project (as defined in section 102 of the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401)) unless the Secretary of the Interior, not later than 30 days after the date of enactment of this Act, issues a work plan prioritizing funding of rural water supply projects carried out by the Bureau of Reclamation based on the following criteria to better utilize taxpayer dollars:

(1) The percentage of the rural water supply project to be carried out that is complete (as of the date of enactment of this Act) or will be completed by September 30, 2012.

(2) The number of people served or expected to be served by the rural water supply project.

(3) The amount of non-Federal funds previously provided or certified as available for the cost of the rural water supply project.

(4) The extent to which the rural water supply project benefits tribal components.

(5) The extent to which there is an urgent and compelling need for a rural water supply project that would—

(A) improve the health or aesthetic quality of water;

(B) result in continuous, measurable, and significant water quality benefits; or

(C) address current or future water supply needs of the population served by the rural water supply project.

SA 956. Mr. REID proposed an amendment to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; as follows:

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

DIVISION A—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, short protection, aquatic ecosystem restoration, and related efforts.

GENERAL INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $125,000,000, to remain available until expended.

CONSTRUCTION, GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,610,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Lock and Dam 27, Mississippi River, Illinois; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Olmsted Lock and Dam, Illinois and Kentucky; and Emsworth Locks and Dam, Ohio River, Pennsylvania) shall be derived from the Inland Waterways Trust Fund.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $250,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $2,360,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965 (16 U.S.C. 460l–6a(i)) shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in areas managed by the Corps at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $193,000,000, to remain available until September 30, 2013.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $109,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $27,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $185,000,000, to remain available until September 30, 2013, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), $5,000,000, to remain available until September 30, 2013.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal

year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

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

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) GENERAL INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: *Provided*, That for a base level less than $100,000, the reprogramming limit is $25,000: *Provided further*, That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION, GENERAL.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than $2,000,000, the reprogramming limit is $300,000: *Provided further*, That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount a limit of $5,000,000 per project, study or activity is allowed: *Provided further*, That for a base level less than $1,000,000, the reprogramming limit is $150,000: *Provided further*, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than $50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided*, That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. None of the funds in this Act, or previous Acts, making funds available to the Corps, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A–76 or High Performing Organizations.

SEC. 103. None of the funds in this Act, or previous Acts, making funds available to the Corps, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in this Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99–662), as amended, is enacted.

SEC. 104. Within 120 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. During the fiscal year period covered by this Act, the Secretary of the Army is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

SEC. 106. The Secretary is authorized to transfer to the ''Construction'' account up to $100,000,000 of the funds provided for reinforcing or replacing flood walls under the ''Flood Control and Coastal Emergencies'' heading in Public Law 109–234 (120 Stat. 455) and Public Law 110–252 (122 Stat. 2350) and up to $75,000,000 of the funds provided for projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity projects under the ''Flood Control and Coastal Emergencies'' heading in Public Law 110–28 (121 Stat. 153) to be used with funds provided for the West Bank and Vicinity project under the ''Construction'' heading in Public Law 110–252 (122 Stat. 2349) and Public Law 110–329 (122 Stat. 3589), consistent with 65 percent Federal and 35 percent non-Federal cost share and the financing of, and payment terms for, the non-Federal cash contribution associated with the West Bank and Vicinity project.

SEC. 107. The Secretary of the Army may authorize a member of the Armed Forces under the Secretary's jurisdiction and employees of the Department of the Army to serve without compensation as director, officer, or otherwise in the management of the organization established to support and maintain the participation of the United States in the permanent international commission of the congresses of navigation, or any successor entity.

SEC. 108. (a) ACQUISITION.—The Secretary is authorized to acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory. This real property to be acquired consists of 18.5 acres more or less, identified as Tracts 101–1 and 101–2, together with all necessary easements located entirely within the Town of Hanover, New Hampshire. The real property is generally bounded to the east by state route 10-Lyme Road, to the north by the vacant property of the Trustees of the Dartmouth College, to the south by Fletcher Circle graduate student housing owned by the Trustees of Dartmouth College, and to the west by approximately 9 acres of real property acquired in fee through condemnation in 1981 by the Secretary of the Army.

(b) REVOLVING FUND.—The Secretary is authorized to use the Revolving Fund (33 U.S.C. 576) through the Plant Replacement and Improvement Program to acquire the real property and associated real property interests in subsection (a). The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefiting appropriations.

(c) RIGHT OF FIRST REFUSAL.—The Secretary may provide the Seller of any real property and associated property interests identified in subsection (a)—

(1) a right of first refusal to acquire such property, or any portion thereof, in the event the property, or any portion thereof, is no longer needed by the Department of the Army.

(2) a right of first refusal to acquire any real property or associated real property interests acquired by condemnation in Civil Action No. 81–360–L, in the event the property, or any portion thereof, is no longer needed by the Department of the Army.

(3) the purchase of any property by the Seller exercising either right of first refusal authorized in this section shall be for consideration acceptable to the Secretary and shall be for not less than fair market value at the time the property becomes available for purchase. The right of first refusal authorized in this section shall not inure to the benefit of the Sellers successors or assigns.

(d) DISPOSAL.—The Secretary of the Army is authorized to dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal as set forth herein.

SEC. 109. The Secretary of the Army may transfer, and the Fish and Wildlife Service may accept and expend, up to $3,800,000 of funds provided in this title under the heading ''Operation and Maintenance'', to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 110. The Secretary of the Army, acting through the Chief of Engineers, is directed to fully utilize the Federal dredging fleet in support of all Army Corps of Engineers missions and no restrictions shall be placed on the use or maintenance of any dredge in the Federal Fleet.

SEC. 111. The Secretary of the Army, acting through the Chief of Engineers, is directed to maintain the Federal dredging fleet to technologically modern and efficient standards.

SEC. 112. The Secretary of the Army, acting through the Chief of Engineers is directed to utilize funds from the revolving

fund to expeditiously undertake necessary health and safety improvements, including lead and asbestos abatement, to the dredge ''McFarland'': *Provided*, That the Secretary shall ensure that the Revolving Fund is appropriately reimbursed from appropriations of the Corps' benefiting programs by collection each year of amounts sufficient to repay the capitalized cost of such construction and improvements.

SEC. 113. With respect to the property covered by the deed described in Auditor's instrument No. 2006–014428 of Benton County, Washington, approximately 1.5 acres, the following deed restrictions are hereby extinguished and of no further force and effect:

(1) The reversionary interest and use restrictions related to port and industrial purposes;

(2) The right for the District Engineer to review all pre-construction plans and/or specifications pertaining to construction and/or maintenance of any structure intended for human habitation, other building structure, parking lots, or roads, if the elevation of the property is above the standard project flood elevation; and

(3) The right of the District Engineer to object to, and thereby prevent, in his/her discretion, such activity.

SEC. 114. That portion of the project for navigation, Block Island Harbor of Refuge, Rhode Island adopted by the Rivers and Harbors Act of July 11, 1870, consisting of the cut-stone breakwater lining the west side of the Inner Basin; beginning at a point with coordinates N32579.55, E312625.53, thence running northerly about 76.59 feet to a point with coordinates N32655.92, E312631.32, thence running northerly about 206.81 feet to a point with coordinates N32858.33, E312673.74, thence running easterly about 109.00 feet to a point with coordinates N32832.15, E312779.54, shall no longer be authorized after the date of enactment.

SEC. 115. The Secretary of the Army, acting through the Chief of Engineers, is authorized, using amounts available in the Revolving Fund established by section 101 of the Act of July 27, 1953, chap. 245 (33 U.S.C. 576), to construct a Consolidated Infrastructure Research Equipment Facility, an Environmental Processes and Risk Lab, a Hydraulic Research Facility, an Engineer Research and Development Center headquarters building, a Modular Hydraulic Flume building, and to purchase real estate, perform construction, and make facility, utility, street, road, and infrastructure improvements to the Engineer Research and Development Center's installations and facilities. The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefitting appropriations.

SEC. 116. Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718; 114 Stat. 2609) is amended by striking subsection (b) and inserting the following:

''(b) DISPOSITION OF ACQUIRED LAND.—The Secretary may transfer land acquired under this section to the non-Federal sponsor by quitclaim deed subject to such terms and conditions as the Secretary determines to be in the public interest.''.

SEC. 117. The New London Disposal Site and the Cornfield Shoals Disposal Site in Long Island Sound selected by the Department of the Army as alternative dredged material disposal sites under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, shall remain open until completion of a Supplemental Environmental Impact Statement to support final designation of an Ocean Dredged Material Disposal Site in eastern Long Island Sound under section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972.

SEC. 118. (a) That portion of the project for navigation, Newport Harbor, Rhode Island adopted by the Rivers and Harbors Acts of March 2, 1907 (34 Stat. 1075); June 25, 1910 (36 Stat. 632); August 26, 1937 (50 Stat. 845); and, modified by the Consolidated Appropriations Act, 2000, Public Law 106–113, appendix E, title II, section 221 (113 Stat. 1501A–298); consisting of a 13-foot anchorage, an 18-foot anchorage, a 21-foot channel, and 18-foot channels described by the following shall no longer be authorized after the date of enactment of this Act: the 21-Foot Entrance Channel, beginning at a point (1) with coordinates 374986.03, 150611.01; thence running south 46 degrees 54 minutes 30.7 seconds east 900.01 feet to a point (2) with coordinates 375643.27, 149996.16; thence running south 8 degrees 4 minutes 58.3 east 2,376.87 feet to a point (3) with coordinates 375977.47, 147643.00; thence running south 4 degrees 28 minutes 20.4 seconds west 738.56 feet to a point (4) with coordinates 375919.88, 146906.60; thence running south 6 degrees 2 minutes 42.4 seconds east 1,144.00 feet to a point (5) with coordinates 376040.35, 145768.96; thence running south 34 degrees 5 minutes 51.7 seconds west 707.11 feet to a point (6) with coordinates 375643.94, 145183.41; thence running south 73 degrees 11 minutes 42.9 seconds west 1,300.00 feet to the end point (7) with coordinates 374399.46, 144807.57; Returning at a point with coordinates (8) with coordinates 374500.64, 144472.51; thence running north 73 degrees 11 minutes 42.9 seconds east 1,582.85 feet to a point (9) with coordinates 376015.90, 144930.13; thence running north 34 degrees 5 minutes 51.7 seconds east 615.54 feet to a point (10) with coordinates 376360.97, 145439.85; thence running north 2 degrees 10 minutes 43.3 seconds west 2,236.21 feet to a point (11) with coordinates 376275.96, 147674.45; thence running north 8 degrees 4 minutes 55.6 seconds west 2,652.83 feet to a point (12) with coordinates 375902.99, 150300.93; thence running north 46 degrees 54 minutes 30.7 seconds west 881.47 feet to an end point (13) with coordinates 375259.29, 150903.12; and the 18-Foot South Goat Island Channel beginning at a point (14) with coordinates 375509.09, 149444.83; thence running south 25 degrees 44 minutes 0.5 second east 430.71 feet to a point (15) with coordinates 375696.10, 149056.84; thence running south 10 degrees 13 minutes 27.4 seconds east 1,540.89 feet to a point (16) with coordinates 375969.61, 147540.41; thence running south 4 degrees 29 minutes 11.3 seconds west 1,662.92 feet to a point (17) with coordinates 375839.53, 145882.59; thence running south 34 degrees 5 minutes 51.7 seconds west 547.37 feet to a point (18) with coordinates 375532.67, 145429.32; thence running south 86 degrees 47 minutes 37.7 seconds west 600.01 feet to an end point (19) with coordinates 374933.60, 145395.76; and the 18-Foot Entrance Channel beginning at a point (20) with coordinates 374567.14, 144252.33; thence running north 73 degrees 11 minutes 42.9 seconds east 1,899.22 feet to a point (21) with coordinates 376385.26, 144801.42; thence running north 2 degrees 10 minutes 41.5 seconds west 638.89 feet to an end point (10) with coordinates 376360.97, 145439.85; and the 18-Foot South Anchorage beginning at a point (22) with coordinates 376286.81, 147389.37; thence running north 78 degrees 56 minutes 15.6 seconds east 404.86 feet to a point (23) with coordinates 376684.14, 147467.05; thence running north 78 degrees 56 minutes 15.6 seconds east 1,444.33 feet to a point (24) with coordinates 378101.63, 147744.18; thence running south 5 degrees 18 minutes 43.8 seconds west 1,228.20 feet to a point (25) with coordinates 377987.92, 146521.26; thence running south 3 degrees 50 minutes 3.4 seconds east 577.84 feet to a point (26) with coordinates 378026.56, 145944.71; thence running south 44 degrees 32 minutes 14.7 seconds west 2,314.09 feet to a point (27) with coordinates 376403.52, 144295.24 thence running south 60 degrees 5 minutes 58.2 seconds west 255.02 feet to an end point (28) with coordinates 376182.45, 144168.12; and the 13-Foot Anchorage beginning at a point (29) with coordinates 376363.39, 143666.99; thence running north 63 degrees 34 minutes 19.3 seconds east 1,962.37 feet to a point (30) with coordinates 378120.68, 144540.38; thence running north 3 degrees 50 minutes 3.1 seconds west 1,407.47 feet to an end point (26) with coordinates 378026.56, 145944.71; and the 18-Foot East Channel beginning at a point (23) with coordinates 376684.14, 147467.05; thence running north 2 degrees 10 minutes 43.3 seconds west 262.95 feet to a point (31) with coordinates 376674.14, 147729.81; thence running north 9 degrees 42 minutes 20.3 seconds west 301.35 feet to a point (32) with coordinates 376623.34, 148026.85; thence running south 80 degrees 17 minutes 42.4 seconds west 313.6 feet to a point (33) with coordinates 376314.23, 147973.99; thence running north 7 degrees 47 minutes 21.9 seconds west 776.24 feet to an end point (34) with coordinates 376209.02, 148743.06; and the 18-Foot North Anchorage beginning at a point (35) with coordinates 376123.98, 148744.69; thence running south 88 degrees 54 minutes 16.2 seconds east 377.90 feet to a point (36) with coordinates 376501.82, 148737.47; thence running north 9 degrees 42 minutes 19.0 seconds west 500.01 feet to a point (37) with coordinates 376417.52, 149230.32; thence running north 6 degrees 9 minutes 53.2 seconds west 1,300.01 feet to an end point (38) with coordinates 376277.92, 150522.81.

(b) The area described by the following shall be redesignated as an eighteen-foot channel and turning basin: Beginning at a point (1) with coordinates N144759.41, E374413.16; thence running north 73 degrees 11 minutes 42.9 seconds east 1,252.88 feet to a point (2) with coordinates N145121.63, E375612.53; thence running north 26 degrees 29 minutes 48.1 seconds east 778.89 feet to a point (3) with coordinates N145818.71, E375960.04; thence running north 0 degrees 3 minutes 38.1 seconds west 1,200.24 feet to a point (4) with coordinates N147018.94, E375958.77; thence running north 2 degrees 22 minutes 45.2 seconds east 854.35 feet to a point (5) with coordinates N147872.56, E375994.23; thence running north 7 degrees 47 minutes 21.9 seconds west 753.83 feet to a point (6) with coordinates N148619.44, E375892.06; thence running north 88 degrees 46 minutes 16.7 seconds east 281.85 feet to a point (7) with coordinates N148625.48, E376173.85; thence running south 7 degrees 47 minutes 21.9 seconds east 716.4 feet to a point (8) with coordinates N147915.69, E376270.94; thence running north 80 degrees 17 minutes 42.3 seconds east 315.3 feet to a point (9) with coordinates N147968.85, E.76581.73; thence running south 9 degrees 42 minutes 20.3 seconds east 248.07 feet to a point (10) with coordinates N147724.33, E376623.55; thence running south 2 degrees 10 minutes 43.3 seconds east 318.09 feet to a point (11) with coordinates N147406.47, E376635.64; thence running north 78 degrees 56 minutes 15.6 seconds east 571.11 feet to a point (12) with coordinates N147516.06, E377196.15; thence running south 88 degrees 57 minutes 2.3 seconds east 755.09 feet to a point (13) with coordinates N147502.23, E377951.11; thence running south 1 degree 2 minutes 57.7 seconds west 100.00 feet to a point (14) with coordinates N147402.25, E377949.28; thence running north 88 degrees 57 minutes 2.3 seconds west 744.48 feet to a point (15) with coordinates N147415.88, E377204.92; thence running south 78 degrees 56 minutes 15.6 seconds west 931.17 feet to a point (16) with coordinates N147237.21, E376291.06; thence running south 39 degrees 26 minutes 18.7 seconds west 208.34 feet to a point (17) with coordinates N147076.31,

E376158.71; thence running south 0 degrees 3 minutes 38.1 seconds east 1,528.26 feet to a point (18) with coordinates N145548.05, E376160.32; thence running south 26 degrees 29 minutes 48.1 seconds west 686.83 feet to a point (19) with coordinates N144933.37, E375853.90; thence running south 73 degrees 11 minutes 42.9 seconds west 1,429.51 feet to end at a point (20) with coordinates N144520.08, E374485.44.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $28,991,000, to remain available until expended, of which $2,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission, and of which $1,550,000 for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior. For fiscal year 2012, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $885,670,000, to remain available until expended, of which $10,698,000 shall be available for transfer to the Upper Colorado River Basin Fund and $6,136,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the amounts provided herein, funds may be used for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $53,068,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $39,651,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2013, $60,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

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

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $300,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term ''transfer'' means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program-Alternative Repayment Plan'' and the ''SJVDP-Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 529(b)(3) of Public Law 106–541, as amended by section 115 of Public Law 109–103, is further amended by striking ''$20,000,000'' and inserting ''$30,000,000'' in lieu thereof.

SEC. 204. Section 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) in subsection (a), in the first sentence, by striking ''2011'' and inserting ''2016''; and

(2) in subsection (b), by striking ''$25,000,000 for fiscal years 1997 through 2011'' and inserting ''$3,000,000 for each of fiscal years 2012 through 2016''.

SEC. 205. (a) PERMITTED USES.—Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) is amended—

(1) in the matter preceding paragraph (1), by striking ''In any case in which there are willing sellers'' and inserting ''For the benefit of at-risk natural desert terminal lakes and associated riparian and watershed resources, in any case in which there are willing sellers or willing participants'';

(2) in paragraph (2), by striking ''in the Walker River'' and all that follows through ''119 Stat. 2268)''; and

(3) in paragraph (3), by striking ''in the Walker River Basin''.

(b) WALKER BASIN RESTORATION PROGRAM.—Section 208(b) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85; 123 Stat. 2858) is amended—

(1) in paragraph (1)(B)(iv), by striking ''exercise water rights'' and inserting ''manage land, water appurtenant to the land, and related interests''; and

(2) in paragraph (2)(A), by striking ''The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation'' and inserting ''Any amount made available to the National Fish and Wildlife Foundation under subsection (a) shall be provided''.

SEC. 206. The Federal policy for addressing California's water supply and environmental issues related to the Bay-Delta shall be consistent with State law, including the coequal goals of providing a more reliable water supply for the State of California and protecting, restoring, and enhancing the Delta ecosystem. The Secretary of the Interior, the Secretary of Commerce, the Army Corps of Engineers and the Environmental Protection Agency Administrator shall jointly coordinate the efforts of the relevant agencies and work with the State of California and other stakeholders to complete and issue the Bay Delta Conservation Plan Final Environmental Impact Statement no later than February 15, 2013. Nothing herein modifies existing requirements of Federal law.

SEC. 207. The Secretary of the Interior may participate in non-Federal groundwater banking programs to increase the operational flexibility, reliability, and efficient use of water in the State of California, and this participation may include making payment for the storage of Central Valley Project water supplies, the purchase of stored water, the purchase of shares or an interest in ground banking facilities, or the use of Central Valley Project water as a medium of payment for groundwater banking services: *Provided*, That the Secretary of the Interior shall participate in groundwater banking programs only to the extent allowed under State law and consistent with water rights applicable to the Central Valley Project: *Provided further*, That any water user to which banked water is delivered shall pay for such water in the same manner provided by that water user's then-current Central Valley Project water service, repayment, or water rights settlement contract at the rate provided by the then-current Central-Valley Project Irrigation or Municipal and Industrial Rate Setting Policies; and: *Provided further*, That in implementing this section, the Secretary of the Interior shall comply with applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) Nothing herein shall alter or limit the Secretary's existing authority to use groundwater banking to meet existing fish and wildlife obligations.

SEC. 208. (a) Subject to compliance with all applicable Federal and State laws, a transfer of irrigation water among Central Valley Project contractors from the Friant, San Felipe, West San Joaquin, and Delta divisions, and a transfer from a long-term Friant Division water service or repayment contractor to a temporary or prior temporary service contractors within the place of use in existence on the date of the transfer, as identified in the Bureau of Reclamation water rights permits for the Friant Division, shall be considered to meet the conditions described in subparagraphs (A) and (I) of section 3405(a)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4709).

(b) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and the Commissioner of the Bureau of Reclamation shall initiate and complete, on the most expedited basis practicable, programmatic environmental compliance so as to facilitate voluntary water transfers within the Central Valley Project, consistent with all applicable Federal and State law.

(c) Not later than 180 days after the date of enactment of this Act and each of the 4 years thereafter, the Commissioner of the Bureau of Reclamation shall submit to the committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report that describes the status of efforts to help facilitate and improve the water transfers within the Central Valley Project and water transfers between the Central Valley Project and other water projects in the State of California; evaluates potential effects of this Act on Federal programs, Indian tribes, Central Valley Project operations, the environment, groundwater aquifers, refuges, and communities; and provides recommendations on ways to facilitate and improve the process for these transfers.

SEC. 209. Section 10009(c)(2) of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1356) is amended by striking ''October 1, 2019, all funds in the Fund shall be available for expenditure without further appropriation.'' and inserting ''October 1, 2014, all funds in the Fund shall be available for expenditure on an annual basis in an amount not to exceed $40,000,000 without further appropriation.'' in lieu thereof.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,795,641,000, to remain available until expended: *Provided*, That $165,000,000 shall be available until September 30, 2013 for program direction: *Provided further*, That of the amount appropriated, the Secretary may use not more than $170,000,000 for activities of the Department of Energy pursuant to the Defense Production Act of 1950 (50 U.S.C. App. 2061, et seq.): *Provided further*, That within 12 months of the date of enactment, the Secretary shall initiate separate rulemakings to establish efficiency standards for televisions and set top television boxes.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $141,010,000, to remain available until expended: *Provided*, That $27,010,000 shall be available until September 30, 2013 for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 10 buses, all for replacement only, $583,834,000, to remain available until expended: *Provided*, That $86,279,000 shall be available until September 30, 2013 for program direction: *Provided further*, That, notwithstanding any other provision of law, the Department shall develop a strategy within 3 months of the publication of the final report of the Blue Ribbon Commission on America's Nuclear Future to manage spent nuclear fuel and other nuclear waste at consolidated storage facilities and permanent repositories that can be implemented as expeditiously as possible.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING RESCISSION)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $445,471,000, to remain available until expended: *Provided*, That $151,729,000 shall be available until September 30, 2013 for program direction: *Provided further*, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States: *Provided further*, That of prior-year balances, $187,000,000 are hereby rescinded: *Provided further*, That no rescission made by the previous proviso shall apply to any amount previously appropriated in Public Law 111–5 or designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $14,909,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $192,704,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

Notwithstanding sections 161 and 167 of the Energy Policy and Conservation Act (42 U.S.C. 6241, 6247), the Secretary of Energy shall sell $500,00,000 in petroleum products from the Reserve not later than March 1,

2012, and shall deposit any proceeds from such sales in the General Fund of the Treasury: *Provided*, That paragraphs (a)(1) and (2) of section 160 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6240(a)(1) and (2)) are hereby repealed: *Provided further*, That unobligated balances in this account shall be available to cover the costs of any sale under this Act.

NORTHEAST HOME HEATING OIL RESERVE

(INCLUDING RESCISSION)

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $10,119,000, to remain available until expended: *Provided*, That amounts net of the purchase of 1 million barrels of petroleum distillates in fiscal year 2011; costs related to transportation, delivery, and storage; and sales of petroleum distillate from the Reserve under section 182 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6250a) are hereby rescinded.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $105,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $219,121,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $429,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 49 passenger motor vehicles for replacement only, including one ambulance and one bus, $4,842,665,000, to remain available until expended: *Provided*, That $180,786,000 shall be available until September 30, 2013 for program direction.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), as amended, $250,000,000, to remain available until expended.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Subject to section 502 of the Congressional Budget Act of 1974, for the cost of loan guarantees for renewable energy or efficient end-use energy technologies under section 1703 of the Energy Policy Act of 2005, $200,000,000 is appropriated to remain available until expended: *Provided*, That the amounts in this section are in addition to those provided in any other Act: *Provided further*, That, notwithstanding section 1703(a)(2) of the Energy Policy Act of 2005, funds appropriated for the cost of loan guarantees are also available for projects for which an application has been submitted to the Department of Energy prior to February 24, 2011, in whole or in part, for a loan guarantee under 1705 of the Energy Policy Act of 2005: *Provided further*, That an additional amount for necessary administrative expenses to carry out this Loan Guarantee program, $38,000,000 is appropriated, to remain available until expended: *Provided further*, That $38,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2011 appropriations from the general fund estimated at not more than $0: *Provided further*, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated: *Provided further*, That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers is not a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, no appropriations are available to pay the subsidy cost of such guarantees for nuclear power or fossil energy facilities: *Provided further*, That none of the loan guarantee authority made available in this Act shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: *Provided further*, That the previous provision shall not be interpreted as precluding the use of the loan guarantee authority in this Act for commitment to guarantee loans for projects as a result of such projects benefiting from (a) otherwise allowable Federal income tax benefits; (b) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (i) paid exclusively in cash, (ii) deposited in the Treasury as offsetting receipts, and (iii) equal to the fair market value as determined by the head of the relevant Federal agency; (c) Federal insurance programs, including Price-Anderson; or (d) for electric generation projects, use of transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: *Provided further*, That none of the loan guarantee authority made available in this Act shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this title.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $6,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, $237,623,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $111,883,000 in fiscal year 2012 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2012, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $125,740,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $41,774,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed one ambulance and one aircraft; $7,190,000,000, to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

(INCLUDING RESCISSION)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, $2,404,300,000, to remain available until expended: *Provided*, That of the unobligated balances available under this heading, $21,000,000 are hereby rescinded.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,100,000,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000,$404,000,000, to remain available until September 30, 2013.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulances and one fire truck for replacement only, $5,002,308,000, to remain available until expended: *Provided*, That $321,628,000 shall be available until September 30, 2013 for program direction.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 10 passenger motor vehicles for replacement only, $819,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATION

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Kootenai River Native Fish Conservation Aquaculture Program, Lolo Creek Permanent Weir Facility, and Improving Anadromous Fish production on the Warm Springs Reservation, and, in addition, for official reception and representation expenses in an amount not to exceed $7,000. During fiscal year 2012, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $8,428,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $8,428,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $0: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to $100,162,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $45,010,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $33,118,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $11,892,000: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to $40,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $285,900,000, to remain available until expended, of which $278,856,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $189,932,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $95,968,000, of which $88,924,000 is derived from the Reclamation Fund: *Provided further*, That of the amount herein appropriated, not more than $3,375,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $306,541,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $4,169,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $3,949,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $220,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000,$304,600,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $304,600,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2012 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $0: *Provided further*, That not later than 180 days after the date of enactment of this Act, the Commission shall issue such regulations as are necessary to clarify that a State may establish rates for the wholesale sale of electric energy in interstate commerce pursuant to the Public Utility Regulatory Policies Act of 1978 such that those rates shall not unduly discriminate against the qualifying cogeneration facility or qualifying small power production facility selling the electric energy or exceed the costs to

produce and deliver the electric energy, as determined for the specific technology at issue.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 302. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term ''user facility'' includes, but is not limited to:

(1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2));

(2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and

(3) any other Departmental facility designated by the Department as a user facility.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for fiscal year 2012.

SEC. 304. (a) SUBMISSION TO CONGRESS.—The Secretary of Energy shall submit to Congress each year, at the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years energy program reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years energy program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years. A future-years energy program shall be included in the fiscal year 2014 budget submission to Congress and every fiscal year thereafter.

(b) ELEMENTS.—Each future-years energy program shall contain the following:

(1) The estimated expenditures and proposed appropriations necessary to support programs, projects, and activities of the Secretary of Energy during the 5-fiscal year period covered by the program, expressed in a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(2) The estimated expenditures and proposed appropriations shaped by high-level, prioritized program and budgetary guidance that is consistent with the administration's policies and out year budget projections and reviewed by DOE's senior leadership to ensure that the future-years energy program is consistent and congruent with previously established program and budgetary guidance.

(3) A description of the anticipated workload requirements for each DOE national laboratory during the 5-fiscal year period.

(c) CONSISTENCY IN BUDGETING.—

(1) The Secretary of Energy shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Secretary of Energy in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31, United States Code, for any fiscal year, as shown in the future-years energy program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the administration included pursuant to paragraph (5) of section 1105(a) of such title in the budget submitted to Congress under that section for any fiscal year.

SEC. 305. Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost of the guarantee has been made;

''(B) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

''(C) a combination of one or more appropriations under subparagraph (A) and one or more payments from the borrower under subparagraph (B) has been made that is sufficient to cover the cost of the guarantee.''.

SEC. 306. Plant or construction projects for which amounts are made available under this and subsequent appropriation Acts with a current estimated cost of less than $10,000,000 are considered for purposes of section 4703 of Public Law 107–314 as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 4704 of Public Law 107–314 as a construction project with a current estimated cost of less than a minor construction threshold.

SEC. 307. In section 839b(h)(10)(B) of title 16, United States Code, strike ''$1,000,000'' and insert ''$5,000,000.''

(RESCISSION)

SEC. 308. None of the funds in this Act or any other Act shall be used to deposit funds in excess of $25,000,000 from any Federal royalties, rents, and bonuses derived from Federal onshore and off-shore oil and gas leases issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.) into the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund.

(RESCISSION)

SEC. 309. Of the amounts appropriated in this title, $73,700,000 are hereby rescinded, to reflect savings from the contractor pay freeze instituted by the Department. The Department shall allocate the rescission among the appropriations made in this title.

SEC. 310. Recipients of grants awarded by the Department in excess of $1,000,000 shall certify that they will, by the end of the fiscal year, upgrade the efficiency of their facilities by replacing any lighting that does not meet or exceed the energy efficiency standard for incandescent light bulbs set forth in section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295).

SEC. 311. (a) Any determination (including a determination made prior to the date of enactment of this Act) by the Secretary pursuant to section 3112(d)(2)(B) of the USEC Privatization Act (110 Stat. 1321–335), as amended, that the sale or transfer of uranium will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry shall be valid for not more than 2 calendar years subsequent to such determination.

(b) Not less than 30 days prior to the transfer, sale, barter, distribution, or other provision of uranium in any form for the purpose of accelerating cleanup at a Federal site, the Secretary shall notify the House and Senate Committees on Appropriations of the following:

(1) the amount of uranium to be transferred, sold, bartered, distributed, or otherwise provided;

(2) an estimate by the Secretary of the gross market value of the uranium on the expected date of the transfer, sale, barter, distribution, or other provision of the uranium;

(3) the expected date of transfer, sale, barter, distribution, or other provision of the uranium;

(4) the recipient of the uranium; and

(5) the value of the services the Secretary expects to receive in exchange for the uranium, including any reductions to the gross value of the uranium by the recipient.

(c) Not later than June 30, 2012, the Secretary shall submit to the House and Senate Committees on Appropriations a revised excess uranium inventory management plan for fiscal years 2013 through 2018.

(d) Not later than December 31, 2011 the Secretary shall submit to the House and Senate Committees on Appropriations a report evaluating the economic feasibility of re-enriching depleted uranium located at Federal sites.

SEC. 312. (a) The Secretary of Energy may allow a third party, on a fee-for-service basis, to operate and maintain a metering station of the Strategic Petroleum Reserve that is underutilized (as defined in section 102–75.50 of title 41, Code of Federal Regulations (or successor regulations)) and related equipment.

(b) Funds collected under subsection (a) shall be deposited in the general fund of the Treasury.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $58,024,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $29,130,000, to remain available until September 30, 2013: *Provided*, That within 90 days of enactment of this Act the Defense Nuclear Facilities Safety Board shall enter into an agreement for fiscal year 2012 and hereafter with the Office of the Inspector General of either the Nuclear Regulatory Commission or the Department of Energy for inspector general services.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $9,925,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $9,077,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $25,000), $1,027,240,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $899,726,000 in fiscal year 2012 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than $127,514,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $10,860,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $9,774,000 in fiscal year 2012 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than $1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,400,000 to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, $1,000,000.

NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $1,275,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $213,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 401. (a) DEFINITIONS.—In this section:

(1) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Commission.

(2) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(3) SPENT FUEL POOL.—The term ''spent fuel pool'' means an underwater storage and cooling facility for spent (or depleted) fuel assemblies that have been removed from a reactor.

(b) As soon as practicable after the date of enactment of this Act, the Chairperson shall order licencees to, in accordance with the recommendations of the 90-day task force of the Commission, enhance spent fuel pools by:

(1) providing sufficient safety-related instrumentation that is able to withstand design-basis natural phenomena to monitor key spent fuel pool parameters (such as water level, temperature, and area radiation levels) from a control room;

(2) providing safety-related, alternating-current electrical power for the spent fuel pool makeup system;

(3) providing onsite emergency electrical power for spent fuel pools and instrumentation for cases in which there exists irradiated fuel in a spent fuel pool, regardless of the operational mode of the relevant reactor; and

(4) installing a seismically qualified means to spray water into spent fuel pools, including an easily accessible connection to supply the water (such as using a portable pump or pumper truck) at grade outside a relevant structure.

SEC. 402. Consistent with the findings of its 90 Day Task Force, the Nuclear Regulatory Commission shall order licensees to reevaluate the seismic, tsunami, flooding and other hazards at their sites as expeditiously as possible, and thereafter, at least once every 10 years, and the Commission shall require licensees to demonstrate to the Commission that the design basis of structures, systems, and components for each operating reactor meet current NRC requirements and guidance with regard to these threats. The Commission shall require licensees to update the design basis of structures, systems, and components for each operating reactor, if necessary.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

TITLE VI

ADDITIONAL FUNDING FOR DISASTER RELIEF

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $890,177,300, to remain available until expended for repair of damages to Federal projects: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That the amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) to dredge navigation channels and repair damage to Corps projects nationwide, $88,003,700, to remain available until expended: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That the amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to recent natural disasters as authorized by law, $66,387,000, to remain available until expended: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That the amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

This Act may be cited as the ''Energy and Water Development and Related Agencies Appropriations Act, 2012''.

DIVISION B—FINANCIAL SERVICES AND GENERAL GOVERNMENT

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for financial services and general government for the fiscal year ending

September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, $306,388,000, including for terrorism and financial intelligence activities; executive direction program activities; international affairs and economic policy activities; domestic finance and tax policy activities; and Treasury-wide management policies and programs activities: *Provided*, That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2013, is for information technology modernization requirements; not to exceed $200,000 is for official reception and representation expenses; $200,000 is to support international representation commitments of the Secretary; and not to exceed $258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: *Provided further*, That of the amount appropriated under this heading, $6,787,000, to remain available until September 30, 2013, is for the Treasury-wide Financial Statement Audit and Internal Control Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act: *Provided further*, That of the amount appropriated under this heading, $500,000, to remain available until September 30, 2013, is for secure space requirements: *Provided further*, That of the amount appropriated under this heading, up to $3,400,000, to remain available until September 30, 2014, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements: *Provided further*, That notwithstanding any other provision of law, up to $1,000,000, may be contributed to the Global Forum on Transparency and Exchange of Information for Tax Purposes, a Part II Program of the Organization for Economic Cooperation and Development, to cover the cost assessed by that organization for Treasury's participation therein: *Provided further*, That of the amount appropriated under this heading, up to $2,500,000 may be used for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.) and for information technology in support of acquisition workforce effectiveness and management.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $29,641,000, of which not to exceed $2,000,000 shall be available for official travel expenses, including hire of passenger motor vehicles; of which not to exceed $100,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; $151,696,000, of which not to exceed $6,000,000 shall be available for official travel expenses; of which not to exceed $500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), $41,800,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses, including for course development, of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $110,788,000, of which not to exceed $34,335,000 shall remain available until September 30, 2014: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

TREASURY FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $750,000,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $217,805,000, of which not to exceed $4,210,000 shall remain available until September 30, 2013, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $99,878,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: *Provided*, That of the amount appropriated under this heading, $2,000,000 shall be for the costs of special law enforcement agents to target tobacco smuggling and other criminal diversion activities.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2012 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $20,000,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $173,635,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $10,000,000 shall remain available until September 30, 2014, for the Do Not Pay portal initiative: *Provided*, That the sum appropriated herein from the general fund for fiscal year 2012 shall be reduced by not more than $8,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at $165,635,000. In addition, $165,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103–325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, notwithstanding section 4707(e) of title 12, United States Code, $200,000,000, to remain available until September 30, 2013; of which $12,000,000 shall be for financial assistance, technical assistance, training and outreach programs, designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers; of which, notwithstanding sections 4707(d) and 4707(e) of title 12, United States Code, up to $22,000,000 shall be for a Healthy Food Financing Initiative to provide grants and loans to community development financial institutions for the purpose of offering affordable financing and technical assistance to expand the availability of healthy food options in distressed communities; of which up to $36,000,000 shall be for initiatives designed to enable individuals with low or moderate income levels to establish bank accounts and to improve access to the provision of bank accounts as authorized by sections 1204 and 1205 of Public Law 111–203; of which $19,000,000 shall be for the Bank Enterprise Award program; and of which up to $22,965,000 may be used for administrative expenses, including administration of the New Markets Tax Credit.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer

advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $2,195,522,000, of which not less than $6,100,000 shall be for the Tax Counseling for the Elderly Program, of which not less than $10,000,000 shall be available for low-income taxpayer clinic grants, of which not less than $12,000,000, to remain available until September 30, 2013, shall be available for a Community Volunteer Income Tax Assistance matching grants demonstration program for tax return preparation assistance, of which not less than $207,738,000 shall be available for operating expenses of the Taxpayer Advocate Service, and of which up to $6,000,000 may be transferred as necessary from this account to ''Health Insurance Tax Credit Administration'' upon advance notification of the Committees on Appropriations: *Provided,* That this transfer authority shall be in addition to any transfer authority provided in the Act: *Provided further,* That notwithstanding any other provision of law, the Secretary may publicize the low-income taxpayer clinic program and refer taxpayers to specific qualified low-income taxpayer clinics receiving funding under this heading.

ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $5,228,613,000, of which not less than $60,257,000 shall be for the Interagency Crime and Drug Enforcement program.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,893,216,000, of which up to $250,000,000 shall remain available until September 30, 2013, for information technology support; of which up to $65,000,000 shall remain available until expended for acquisition of real property, equipment, construction and renovation of facilities; of which not to exceed $1,000,000 shall remain available until September 30, 2014, for research; of which not less than $2,000,000 shall be for the Internal Revenue Service Oversight Board; of which not to exceed $25,000 shall be for official reception and representation expenses.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, $330,210,000, to remain available until September 30, 2014, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That, with the exception of labor costs, none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that:

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11;

(2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint;

(3) conforms with the Internal Revenue Service's enterprise life cycle methodology;

(4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget;

(5) has been reviewed by the Government Accountability Office; and

(6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $15,481,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading ''Enforcement'' may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 105. None of the funds made available in this Act may be used to enter into, renew, extend, administer, implement, enforce, or provide oversight of any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986).

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 106. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 107. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Special Inspector General for the Troubled Asset Relief Program, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 108. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 109. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 110. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 111. The Secretary of the Treasury may transfer funds from Financial Management Service, Salaries and Expenses to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 112. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking ''12 years'' and inserting ''14 years''.

SEC. 113. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing and Urban Affairs.

SEC. 114. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 115. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2011 until the enactment of the Intelligence Authorization Act for Fiscal Year 2012.

SEC. 116. Not to exceed $5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 117. The Secretary of the Treasury shall submit a Capital Investment Plan to

the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days following the submission of the annual budget for the Administration submitted by the President: *Provided*, That such Capital Investment Plan shall include capital investment spending from all accounts within the Department of the Treasury, including but not limited to the Department-wide Systems and Capital Investment Programs account, the Working Capital Fund account, and the Treasury Forfeiture Fund account: *Provided further*, That such Capital Investment Plan shall include expenditures occurring in previous fiscal years for each capital investment project that has not been fully completed.

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

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to 31 U.S.C. 1552.

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $57,851,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $13,536,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $990,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $4,192,000.

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council and the Homeland Security Council, including services as authorized by 5 U.S.C. 3109, $13,048,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $114,908,000, of which $10,670,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $90,833,000, of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

GOVERNMENT-WIDE MANAGEMENT COUNCILS

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse ''General Services Administration, Government-wide Policy'' with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2012 by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency and multi-agency groups designated by the Director, including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives: *Provided further*, That the total funds transferred or reimbursed shall not exceed $17,000,000: *Provided further*, That the funds transferred to or for reimbursement of ''General Services Administration, Government-wide Policy'' during fiscal year 2012 shall remain available for obligation through September 30, 2013: *Provided further*, That such transfers or reimbursements may only be made following written approval of the Committees on Appropriations

of the House of Representatives and the Senate.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $26,125,000: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $238,522,000, to remain available until September 30, 2013, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas (''HIDTAs''), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy (''the Director''), of which up to $2,700,000 may be used for auditing services and associated activities (including up to $500,000 to ensure the continued operation and maintenance of the Performance Management System): *Provided further*, That, notwithstanding the requirements of Public Law 106–58, any unexpended funds obligated prior to fiscal year 2010 may be used for any other approved activities of that High Intensity Drug Trafficking Area, subject to reprogramming requirements: *Provided further*, That each High Intensity Drug Trafficking Area designated as of September 30, 2011, shall be funded at not less than the fiscal year 2011 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2012 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $105,950,000, to remain available until expended, which shall be available as follows: $92,600,000 for the Drug-Free Communities Program, of which $2,000,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by Public Law 109–469 (21 U.S.C. 1521 note); $1,400,000 for drug court training and technical assistance; $8,900,000 for anti-doping activities; $1,900,000 for the United States membership dues to the World Anti-Doping Agency; and $1,150,000 shall be made available as directed by section 1105 of Public Law 109–469.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $988,000, to remain available until September 30, 2013.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,328,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $307,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 201. From funds made available in this Act under the headings ''The White House'', ''Executive Residence at the White House'', ''White House Repair and Restoration'', ''Council of Economic Advisers'', ''National Security Council and Homeland Security Council'', ''Office of Administration'', ''Special Assistance to the President'', and ''Official Residence of the Vice President'', the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from ''Special Assistance to the President'' or ''Official Residence of the Vice President'' without the approval of the Vice President.

SEC. 202. The Director of the Office of National Drug Control Policy shall submit to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act, and prior to the initial obligation of more than 20 percent of the funds appropriated in any account under the heading ''Office of National Drug Control Policy'', a detailed narrative and financial plan on the proposed uses of all funds under the account by program, project, and activity: *Provided*, That the reports required by this section shall be updated and submitted to the Committees on Appropriations every 6 months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

SEC. 203. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 204. Not to exceed $1,000,000 of any appropriations in this Act made available to the Office of National Drug Control Policy may be reprogrammed within a program, project, or activity upon the advance approval of the Committees on Appropriations.

SEC. 205. From the unobligated balances of prior year appropriations made available for the Counterdrug Technology Assessment Center, $11,328,000 are rescinded.

This title may be cited as the ''Executive Office of the President Appropriations Act, 2012''.

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $74,819,000, of which $2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, $8,159,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $31,913,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $20,968,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, and the purchase of uniforms for Probation and Pretrial Services office staff, as authorized by law,

$4,970,646,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $4,775,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A, and also under 18 U.S.C. 3599, in cases in which a defendant is charged with a crime that may be punishable by death; the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services under 18 U.S.C. 3006A(e), and also under 18 U.S.C. 3599(f) and (g)(2), in cases in which a defendant is charged with a crime that may be punishable by death; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem appointed under 18 U.S.C. 4100(b), acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences (18 U.S.C. 4100(b)); the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; and for necessary training and general administrative expenses, $1,034,182,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), $59,000,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $500,000,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $82,000,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $27,000,000; of which $1,800,000 shall remain available through September 30, 2013, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $86,968,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $12,600,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $4,200,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $16,500,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for ''Courts of Appeals, District Courts, and Other Judicial Services'' shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Within 90 days after the date of the enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology Fund, which will establish the baseline for application of reprogramming and transfer authorities for the current fiscal year.

SEC. 305. Section 3314(a) of title 40, United States Code, shall be applied by substituting ''Federal'' for ''executive'' each place it appears.

SEC. 306. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 307. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended—

(1) in the third sentence (relating to the District of Kansas), by striking ''20 years'' and inserting ''21 years''; and

(2) in the seventh sentence (related to the District of Hawaii), by striking ''17 years'' and inserting ''18 years''.

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

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $30,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $14,900,000, to remain available until expended and in addition any funds that remain available from prior year appropriations under this heading for the District of Columbia Government, for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, including support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $230,319,000 to be allocated as follows: for the District of Columbia Court of Appeals, $12,830,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $111,687,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Court System, $66,712,000, of which not to exceed $2,500 is for official reception and representation expenses; and $39,090,000, to remain available until September 30, 2013, for capital improvements for District of Columbia courthouse facilities: *Provided*, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than $3,000,000 of the funds provided under this heading among the items and entities funded under this heading, but no such allocation shall be increased by more than 10 percent.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

(INCLUDING TRANSFER OF FUNDS)

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21–2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $55,000,000, to remain available until expended: *Provided*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *Provided further*, That not more than $10,000,000 of the funds provided in this account may be transferred to, and merged with, funds made available under the heading ''Federal Payment to the District of Colombia Courts'' for District of Columbia courthouse facilities.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $212,983,000, of which not to exceed $2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which $1,000,000 shall remain available until September 30, 2014 for relocation of the Pretrial Services Agency drug testing laboratory; of which $153,548,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $59,435,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That not less than $1,500,000 shall be available for re-entrant housing in the District of Columbia: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $37,241,000: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $15,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $1,800,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2013, to the Commission on Judicial Disabilities and Tenure, $295,000, and for the Judicial Nomination Commission, $205,000.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $60,000,000, to be allocated as follows: for the District of Columbia Public Schools, $20,000,000 to improve public school education in the District of Columbia, to remain available until expended; for the State Education Office, $20,000,000 to expand quality public charter schools in the District of Columbia, to remain available until expended; and for the Secretary of the Department of Education, $20,000,000 to provide opportunity scholarships for students in the District of Columbia in accordance with the Scholarships for Opportunity and Results Act (Public Law 112–10, division C, 125 Stat. 199), to remain available until expended.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, $375,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia (''General Fund''), except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, (114 Stat. 2440; D.C. Official Code, section 1–204.50a) and provisions of this Act, the

total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2012 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $10,911,966,000 (of which $6,208,646,000 shall be from local funds, (including $526,594,000 from dedicated taxes), $1,015,449,000 shall be from Federal grant funds, $1,499,115,000 from Medicaid payments, $2,040,504,000 shall be from other funds, and $25,677,000 shall be from private funds, and $122,575,000 shall be from funds previously appropriated in this Act as Federal payments: *Provided further*, That of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance: *Provided further*, That of these funds the District's intra-District authority shall be $619,632,000: in addition, for capital construction projects, an increase of $4,024,828,000, of which $2,934,012,000 shall be from local funds, $223,858,000 from the District of Columbia Highway Trust Fund, $50,466,000 from the Local Transportation Fund, $816,492,000 from Federal grant funds, and a rescission of $2,835,689,000 of which $1,796,345,000 shall be from local funds, $749,426,000 from Federal grant funds, $252,694,000 from the District of Columbia Highway Trust Fund, and $37,224,000 from the Local Transportation Fund appropriated under this heading in prior fiscal years, for a net amount of $1,189,139,000, to remain available until expended: *Provided further*, That the amounts provided under this heading are to be available, allocated, and expended as proposed under title III of the Fiscal Year 2012 Budget Request Act of 2011, at the rate set forth under ''District of Columbia Funds Division of Expenses'' as included in the of the Fiscal Year 2012 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2012, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the ''District of Columbia Appropriations Act, 2012''.

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., $2,900,000, to remain available until September 30, 2013, of which not to exceed $1,000,000 is for official reception and representation expenses.

CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Christopher Columbus Fellowship Foundation, established by section 423 of Public Law 102–281, $450,000, to remain available until expended.

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $240,000,000, to remain available until September 30, 2013, including not to exceed $3,000 for official reception and representation expenses, and not to exceed $25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, and of which $66,000,000 shall remain available for information technology investments until September 30, 2014.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $4,000 for official reception and representation expenses, $114,500,000.

ADMINISTRATIVE PROVISIONS—CONSUMER PRODUCT SAFETY COMMISSION

SEC. 501. Section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) is amended by adding at the end the following:

''(5) The Chairman may provide to officers and employees of the Commission who are appointed or assigned by the Commission to serve abroad (as defined in section 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902)) travel benefits similar to those authorized for members of the Foreign Service of the United Service under chapter 9 of such Act (22 U.S.C. 4081 et seq.).''.

SEC. 502. (a) The Consumer Product Safety Act (15 U.S.C. 2051 et seq.) is amended by inserting after section 17 the following:

''SEC. 17A. SERVICE OF PROCESS.

''(a) DESIGNATING AGENTS.—

''(1) IN GENERAL.—The Commission may require a manufacturer, or class of manufacturers, offering a consumer product for import to designate an agent in the United States on whom service of notices and process in administrative and judicial proceedings may be made.

''(2) FILING.—The designation shall be in writing and filed with the Commission.

''(3) MODIFICATION.—The designation may be changed in the same way originally made.

''(b) SERVICE.—

''(1) PLACE OF SERVICE.—An agent may be served at the agent's office or usual place of residence.

''(2) SERVICE ON AGENT IS SERVICE ON MANUFACTURER.—Service on the agent is deemed to be service on the manufacturer.

''(3) NO DESIGNATED AGENT.—If a manufacturer does not designate an agent, service may be made by posting the notice or process in the office of the Commission.''.

(b) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 17 the following:

''17A. Service of process.''.

SEC. 503. (a) Not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate, as a final consumer product safety standard under section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a))—

(1) a standard requiring button cell battery compartments of battery-operated or assisted consumer products to be secured, to the greatest extent practicable, in a manner that reduces access to button cell batteries by children that are 3 years of age or younger; and

(2) standards requiring warning labels—

(A) to be included in any literature that accompanies a battery-operated or assisted consumer product, such as a user manual;

(B) to be included on packaging for button cell batteries sold to consumers; and

(C) to be included, as practicable, directly on a battery-operated or assisted consumer product in a manner that is visible to the consumer upon installation or replacement of the button cell battery.

(b) Warning labels required under subsection (a) shall—

(1) clearly identify the hazard of ingestion; and

(2) instruct consumers, as practicable, to keep new and used batteries out of the reach of children and to seek immediate medical attention if a battery is ingested.

(c)(1) The standards required by subsection (a) shall be promulgated in accordance with section 553 of title 5, United States Code.

(2) The requirements of subsections (a) through (f) and (g)(1) of section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) shall not apply to the promulgation of the standards required by subsection (a) of this section.

(d) Each final consumer product safety standard required by subsection (a) shall apply to battery-operated or assisted consumer products manufactured on or after the date that is 1 year after the date on which the Commission promulgates the standard.

SEC. 504. Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an analysis of the potential safety risks associated with new and emerging consumer products, including chemicals and other materials used in their manufacture, taking into account the ability and authority of the Consumer Product Safety Commission—

(1) to identify, assess, and address such risks in a timely manner; and

(2) to keep abreast of the effects of new and emerging consumer products on public health and safety.

SEC. 505. Not later than 150 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an analysis of—

(1) the extent to which manufacturers comply with voluntary industry standards for consumer products, particularly with respect to inexpensive, imported products;

(2) whether there are consequences for such manufacturers for failing to comply with such standards;

(3) whether the Consumer Product Safety Commission has the authority and the ability to require compliance with such standards; and

(4) whether there are patterns of non-compliance with such standards among certain types of products or certain types of manufacturers.

SEC. 505. Not later than 540 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall—

(1) in consultation with representatives of consumer groups, window blind manufacturers, and independent engineers and experts, examine and assess the effectiveness of the ANSI/WCMA A100.1–2010 safety standard, as in effect on the day before the date of the enactment of this Act; and

(2) if the Commission determines that a more stringent standard for window coverings, or revised version of the standard described in paragraph (1), would eliminate the strangulation risk posed by corded window coverings, promulgate, in accordance with section 553 of title 5, United States Code, a window covering safety standard that is more stringent than the standard described in paragraph (1).

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107–252), $14,750,000, of which $3,250,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $354,181,000: *Provided*, That $354,181,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at $0: *Provided further*, That any offsetting collections received in excess of $354,181,000 in fiscal year 2012 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2011, shall not be available for obligation: *Provided further*, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $85,000,000 for fiscal year 2012: *Provided further*, That of the amount appropriated under this heading, not less than $11,721,000 shall be for the salaries and expenses of the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 510. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking ''December 31, 2011'', each place it appears and inserting ''December 31, 2013''.

SEC. 511. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $45,261,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $66,367,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $24,723,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $311,563,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $149,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed $21,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $141,563,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

Amounts in the Fund, including revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $8,144,967,000, of which: (1) $65,000,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses, and associated design and construction services): *Provided*, That the General Services Administration shall submit a detailed plan, by project, regarding the use of funds to the Committees on Appropriations of the House of Representatives and the Senate within 30 days of enactment of this section and will provide notification to the Committees within 15 days prior to any changes regarding the use of these funds; (2) $280,000,000, including $20,000,000 for a Judicial Capital Security program, to remain available until expended for repairs and alterations, which includes associated design and construction services: *Provided further*, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2013 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $126,801,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $5,285,198,000 for rental of space which shall remain available until expended; and (5) $2,387,968,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by 40 U.S.C. 3307(a), has not been approved, except that necessary funds may be expended for each

project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2012, excluding reimbursements under 40 U.S.C. 592(b)(2) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; services as authorized by 5 U.S.C. 3109; and the Office of High Performance Green Buildings; $61,750,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; the Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses; $70,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $58,000,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

INFORMATION AND ENGAGEMENT FOR CITIZENS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Citizen Services and Innovative Technologies, including services authorized by 5 U.S.C. 3109, and for the necessary expenses in support of interagency projects that enable the Federal Government to conduct activities electronically, through the development and implementation of innovative uses of information technology, $39,084,000 to be deposited to the Federal Citizen Services Fund and that these funds may be transferred to Federal agencies to carry out the purpose of the fund and this transfer authority shall be in addition to any other transfer authority provided in the Act: *Provided*, That the appropriations, revenues, reimburseables, and collections deposited into the Federal Citizen Services Fund shall only be available for necessary expenses of Federal Citizen Services and other information activities in the aggregate amount not to exceed $90,000,000: *Provided further*, That revenues and collections accruing to the Fund during fiscal year 2012 in excess of such amount shall remain available in the Fund without regard to fiscal year and shall not be available for expenditure except as authorized in appropriations acts.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, $3,671,000.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS AND RESCISSION)

SEC. 520. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 521. Funds in the Federal Buildings Fund made available for fiscal year 2012 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 522. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2013 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 523. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 524. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 525. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.

SEC. 526. Section 1703 of title 41 U.S.C. is amended in paragraph (i)(6) by:

(1) deleting ''for training''; and

(2) deleting ''paragraph (2)'' and inserting in lieu thereof ''subparagraphs (A) and (C) to (J) of section 1122(a)(5) of this title''.

SEC. 527. (a) The Administrator of General Services (Administrator), through a deed of release or other appropriate instrument, may release to the city of Tracy, California (the City) the reversionary interests retained by the United States, and all other terms, conditions, reservations, and restrictions imposed, in connection with the conveyance of the 200 acres conveyed pursuant to Public Law 105–277 section 140, as amended by Public Law 106–31 section 3034 and Public Law 108–199 section 411. The exact acreage and legal description of the parcel to be released under subsection (a) shall be determined by a survey that is satisfactory to the Administrator.

(b) As consideration for such release authorized under subsection (a), the City shall pay to the Administrator an amount not less than the property's appraised Fair Market Value as determined by the Administrator. The determination of the Administrator is final. The Administrator shall determine the property's Fair Market Value through an appraisal conducted by a licensed, independent appraiser. The appraisal shall be based on the property's highest and best use.

(c) As soon as practicable, but not more than 180 days after enactment of this Act, the City shall enter into a binding agreement with the Administrator for the conveyance described in subsection (a) of this section. The net proceeds from sale shall be deposited into the Federal Buildings Fund established under section 592 of title 40 of the United States Code.

(d) The City shall be responsible for reimbursing the Administrator for the costs associated with implementing this section, including the costs of appraisal and survey. The Administrator may require such additional terms and conditions in connection with the release under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

SEC. 528. Of the amounts made available under the heading ''Policy and Operations'' for the maintenance, protection, and disposal of the U.S. Coast Guard Service Center at Governor's Island, New York and the Lorton Correctional Facility in Lorton, Virginia in prior years whether approporated directly to the General Services Administration (GSA) or to any other agency of the Government and received by GSA for such purpose, $4,600,000 are rescinded.

SEC. 529. Within 120 days of enactment, the General Services Administration shall submit a detailed report to the Committees on Appropriations of the House of Representatives and the Senate that describes each program, project, or activity that is funded by appropriations to General Services Administration but is not under the control or direction, in statute or in practice, of the Administrator of General Services.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93–642, $700,000, to remain available until expended.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board

pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $40,258,000 together with not to exceed $2,345,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), $2,200,000, to remain available until expended, of which up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289) notwithstanding sections 8 and 9 of Public Law 102–259: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall and Stewart L. Udall Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $3,792,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for necessary expenses in connection with the operations and maintenance of the electronic records archives to include all direct project costs associated with research, program management, and corrective and adaptive software maintenance, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, $378,845,000: *Provided*, That all remaining balances appropriated in prior fiscal years under the heading ''Electronic Records Archives'' shall be transferred to this account.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110–409, 122 Stat. 4302–16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, $4,100,000.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $9,659,000, to remain available until expended: *Provided*, That from amounts made available for the Military Personnel Records Center requirement study under this heading in Public Law 108–199, the remaining unobligated balances shall be available to implement the National Archives and Records Administration Capital Improvement Plan: *Provided further*, That from amounts made available under this heading in Public Law 111–8 for construction costs and related services for building the addition to the John F. Kennedy Presidential Library and Museum and other necessary expenses, including renovating the Library as needed in constructing the addition, the remaining unobligated balances shall be available to implement the National Archives and Records Administration Capital Improvement Plan.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $5,000,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2012, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)): *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2012 shall not exceed $1,250,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,247,000 shall be available until September 30, 2013 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $13,664,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management [OPM] pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of OPM and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $97,774,000, of which $6,004,000 shall remain available until expended for the Enterprise Human Resources Integration project, of which $642,000 may be for strengthening the capacity and capabilities of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 4001 et seq.)), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management, $1,416,000 shall remain available until expended for the Human Resources Line of Business project; and in addition $112,516,000 for administrative expenses, to be transferred from the appropriate trust funds of OPM without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of OPM established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2012, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $3,142,000, and in addition, not to exceed $21,174,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 107–304, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $18,972,000.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109–435), $14,304,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), $1,000,000, to remain available until September 30, 2013.

RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Recovery Accountability and Transparency Board to carry out the provisions of title XV of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), $28,400,000, to remain available until September 30, 2012.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,500 for official reception and representation expenses, $1,407,483,130, to remain available until expended; of which not less than $6,795,000 shall be for the Office of Inspector General; of which not to exceed $45,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; of which, $483,130 shall be for strengthening the capacity and capabilities of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence; *Provided,* That fees and charges authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $1,407,483,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2012 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2012 appropriation from the general fund estimated at not more than $0.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $23,984,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108–447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $404,202,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further,* That the Small Business Administration may accept gifts in an amount not to exceed $4,000,000 and may co-sponsor activities, each in accordance with section 132(a) of division K of Public Law 108-447, during fiscal year 2012: *Provided further*, That $112,774,000 shall be available to fund grants for performance in fiscal year 2012 or fiscal year 2013 as authorized by section 21 of the Small Business Act, of which $1,000,000 shall be for the Veterans Assistance and Services Program authorized by section 21(n) of the Small Business Act, as added by section 107 of Public Law 110–186, and of which $1,000,000 shall be for the Small Business Energy Efficiency Program authorized by section 1203(c) of Public Law 110–140: *Provided further*, That $21,956,000 shall remain available until September 30, 2013 for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: *Provided further,* That during fiscal year 2012, the applicable percentage under section 7(m)(4)(A) of the Small Business Act shall be 50 percent: *Provided further,* That $7,100,000 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2013: *Provided further*, That $2,000,000 shall be for the Federal and State Technology Partnership Program under section 34 of the Small Business Act (15 U.S.C. 657d).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $16,267,400.

OFFICE OF ADVOCACY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Advocacy in carrying out the provisions of title II of Public Law 94–305 (15 U.S.C. 634a et seq.) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), $9,120,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $3,678,000, to remain available until expended, and for the cost of guaranteed loans as authorized by section 7(a) of the Small Business Act and section 503 of the Small Business Investment Act of 1958, $206,862,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2012 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed $7,500,000,000: *Provided further*, That during fiscal year 2012 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed $17,500,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans: *Provided further*, That during fiscal year 2012 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed $3,000,000,000: *Provided further*, That during fiscal year 2012, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $147,958,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOAN PROGRAM ACCOUNT

For an additional amount for the ''Disaster Loans Program Account'' for the administrative costs of direct loans authorized by section 7(b) of the Small Business Act and resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $167,300,000, to remain available until expended, of which $1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be transferred to and merged with the appropriations for the Office of Inspector General; of which $157,300,000 is for direct administrative expense of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; of which $9,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the

appropriations for Salaries and Expenses: *Provided*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 530. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $78,153,000, which shall not be available for obligation until October 1, 2012: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2012.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $241,468,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109–435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $51,469,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates a new program;

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

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose;

(5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;

(6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or

(7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That at a minimum, the report shall include:

(A) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(B) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and

(C) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2012 from appropriations made available for salaries and expenses for fiscal year 2012 in this Act, shall remain available through September 30, 2013, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under chapter 15 of title 41, United States Code shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in chapter 83 of title 41, United States Code (popularly known as the Buy American Act), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 103 of title 41, United States Code).

SEC. 614. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 615. The Public Company Accounting Oversight Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2011, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2012 shall remain available until expended.

SEC. 616. From the unobligated balances of prior year appropriations made available for the Privacy and Civil Liberties Oversight Board, $998,000 are rescinded.

SEC. 617. Notwithstanding section 708 of this Act, funds made available to the Commodity Futures Trading Commission and the Securities and Exchange Commission by this or any other Act may be used for the interagency funding and sponsorship of a joint advisory committee to advise on emerging regulatory issues.

SEC. 618. Section 1107 of title 31, United States Code, is amended by adding to the end thereof the following: ''The President shall transmit promptly to Congress without change, proposed deficiency and supplemental appropriations submitted to the President by the legislative branch and the judicial branch.''.

SEC. 619. Section 7 of the Abraham Lincoln Commemorative Coin Act (31 U.S.C. § 5112 note) is amended in subsection (b) by striking ''Abraham Lincoln Bicentennial Commission to further the work of the Commission'' and inserting ''Abraham Lincoln Bicentennial Foundation for the purposes of commemorating the bicentennial of the birth of Abraham Lincoln, and fostering and promoting the awareness and study of the life of Abraham Lincoln'' and in subsection (c) by striking ''Abraham Lincoln Bicentennial Commission'' and inserting ''Abraham Lincoln Bicentennial Foundation''.

SEC. 620. During fiscal year 2012, for purposes of section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)), the term ''payment of cash in advance'' shall be interpreted as payment before the transfer of title to, and control of, the exported items to the Cuban purchaser.

SEC. 621. The Help America Vote Act of 2002 (Public Law 107–252) is amended by:

(1) inserting in section 255(b)(42 U.S.C. 15405) ''posted on the Commission's website with a notice'' after ''cause to have the plan'';

(2) inserting in section 253(d)(42 U.S.C. 15403) ''notice of'' prior to ''the State plan'';

(3) inserting in section 254(a)(11)(42 U.S.C. 15404) ''notice of'' prior to ''the change''; and

(4) inserting in section 254(a)(11)(C)(42 U.S.C. 15404) ''notice of'' prior to ''the change''.

SEC. 622. Section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (15 U.S.C. 18a note) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''The filing fees'' and inserting ''Subject to subsection (c), the filing fees'';

(B) in paragraph (1), by striking ''$45,000'' and inserting ''$60,000'';

(C) in paragraph (2)—

(i) by striking ''$125,000'' and inserting ''$160,000''; and

(ii) by striking ''and'' at the end;

(D) in paragraph (3)—

(i) by striking ''$280,000'' and inserting ''$360,000''; and

(ii) by striking the period at the end and inserting ''but less than $1,000,000,000 (as so adjusted and published); and''; and

(E) by adding at the end the following:

''(4) $500,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than $1,000,000,000 (as so adjusted and published).''; and

(2) by adding at the end the following:

''(c) For fiscal year 2013, and each fiscal year thereafter, the Federal Trade Commission shall publish in the Federal Register and increase the amount of each filing fee under subsection (b) in the same manner and on the same dates as provided under section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)) to reflect the percentage change in the gross national product for the fiscal year as compared to the gross national product for fiscal year 2011, except that the Federal Trade Commission—

''(1) shall round any increase in a filing fee under this subsection to the nearest $5,000;

''(2) shall not increase filing fees under this subsection if the increase in the gross national product is less than 1 percent; and

''(3) shall not decrease filing fees under this subsection.''.

SEC. 623. None of the funds appropriated by this or any other Act shall be available for the purpose of conveying the headquarters building of the Federal Trade Commission (located at 600 Pennsylvania Avenue, Northwest, in the District of Columbia) to any entity unless the Administrator of the General Services Administration determines that such transaction is made in the best interest of the taxpayer. In making a final determination, the Administrator shall consider if the Federal Government would be compensated at least the Fair Market Value of such building as determined by the Administrator of the General Services. The Administrator shall determine the property's Fair Market Value through an appraisal conducted by a licensed, independent appraiser. The appraisal shall be based on the property's highest and best use. The Administrator shall also consider cost to the taxpayer for acquiring replacement space for the headquarters building of the Federal Trade Commission and for moving staff and operations to such replacement space. The determination of the Administrator shall be final.

SEC. 624. Notwithstanding any other provision of law, the President may not restrict direct transfers from a Cuban financial institution to a United States financial institution executed in payment for a product authorized for sale under the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.).

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2012 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $13,179 except station wagons for which the maximum shall be $13,631: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles: *Provided further*, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on emerging motor vehicle technology, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person who owes allegiance to the United States: *Provided*, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: *Provided further*, That for purposes of subsections (2) and (3) such affidavits shall be submitted prior to employment and updated thereafter as necessary: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: *Provided further*, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including

maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2012, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2012, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2012, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2012 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2012 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2011, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2011, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2011.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 711. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 712. Notwithstanding section 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 713. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to 5 U.S.C. 3302, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the National Geospatial-Intelligence Agency;

(5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(6) the Bureau of Intelligence and Research of the Department of State;

(7) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; or

(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 714. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 715. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants, personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 716. (a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': *Provided*, That notwithstanding the preceding provision of this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

(b) Effective 180 days after enactment of this Act, subsection (a) is amended by—

(1) striking ''Executive Order No. 12958'' and inserting ''Executive Order No. 13526 (75 Fed. Reg. 707), or any successor thereto''; and

(2) after ''the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents);'' inserting ''sections 7(c) and 8H of the Inspector General Act of 1978 (5 U.S.C. App.) (relating to disclosures to an inspector general, the inspectors general of the Intelligence Community, and Congress); section 103H(g)(3) of the National Security Act of 1947 (50 U.S.C. 403–3h(g)(3) (relating to disclosures to the inspector general of the Intelligence Community); sections 17(d)(5) and 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(5) and 403q(e)(3)) (relating to disclosures to the Inspector General of the Central Intelligence Agency and Congress);''.

(c) A nondisclosure agreement entered into before the effective date of the amendment in subsection (b) may continue to be implemented and enforced after that effective date if it complies with the requirements of subsection (a) that were in effect prior to the effective date of the amendment in subsection (b).

SEC. 717. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 718. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 719. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 720. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 721. (a) In this section, the term ''agency''—

(1) means an Executive agency, as defined under 5 U.S.C. 105;

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 722. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

SEC. 723. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 724. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 725. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided*, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 726. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 727. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual

to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 728. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 729. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 730. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 731. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 732. (a) For fiscal year 2012, no funds shall be available for transfers or reimbursements to the e-government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the Committees on Appropriations of the House of Representatives and the Senate.

(b) The report in subsection (a) and other required justification materials shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(c) No funds shall be available for obligation or expenditure for new e-government initiatives without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 733. Notwithstanding section 1346 of title 31, United States Code, and section 708 of this Act and any other provision of law, the head of each appropriate executive department and agency shall transfer to or reimburse the United States Fish and Wildlife Service, upon the direction of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the United States Fish and Wildlife Service, in consultation with the appropriate interagency groups designated by the Director and shall be used to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield by the United States Fish and Wildlife Service pursuant to an operational agreement with the Federal Aviation Administration for the entirety of fiscal year 2012 and any period thereafter that precedes the enactment of the Financial Services and General Government Appropriations Act, 2013. The Director of the Office of Management and Budget shall mandate the necessary transfers after determining an equitable allocation between the appropriate executive departments and agencies of the responsibility for funding the continuous operation of the Midway Atoll Airfield based on, but not limited to, potential use, interest in maintaining aviation safety, and applicability to governmental operations and agency mission. The total funds transferred or reimbursed shall not exceed $6,000,000 for any 12-month period. Such sums shall be sufficient to ensure continued operation of the airfield throughout the period cited above. Funds shall be available for operation of the airfield or airfield-related capital upgrades. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of the House of Representatives and the Senate of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.

SEC. 734. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

SEC. 735. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 736. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) and regulations implementing that section.

SEC. 737. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91–508): *Provided*, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided further*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 738. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms ''Great Lakes'' and ''Great Lakes State'' have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term ''Great Lakes restoration activities'' means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 739. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines

that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 740. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled ''Competitive Area'' published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 741. Section 743 of the Consolidated Appropriations Act, 2010 (Public Law 111–117; 31 U.S.C. 501 note) is amended—

(1) in subsection (a)(3), by inserting after ''exercise of an option'' the following: '', and task orders issued under any such contract,'';

(2) in subsection (a)(3)(G), by inserting before the period at the end the following: '', using direct labor hours and associated cost data collected from contractors'';

(3) in subsection (e)(2)(B), by striking the text and inserting the following: ''the contracts exclude to the maximum extent practicable functions that are closely associated with inherently governmental functions;''; and

(4) by redesignating subsections (h) and (i) as subsections (i) and (j) and by inserting after subsection (g) the following new subsection:

''(h) SUBMISSION OF REPORT ON ACTIONS TAKEN BEFORE PUBLIC-PRIVATE COMPETITION MAY OCCUR.—An executive agency may not begin, plan for, or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation or directive until after that agency has submitted to the Office of Management and Budget a report, pursuant to subsection (f), that includes actions taken to convert from contractor to Federal employee performance functions that are not inherently governmental, closely associated with governmental functions, critical, or should not otherwise be reserved for performance by Federal employees. This subsection shall take effect beginning with the report required under subsection (f) that is included as an attachment to the annual inventory due by December 31, 2011.''.

SEC. 742. The Office of Management and Budget shall issue guidance, consistent with section 735 of division D of the Omnibus Appropriations Act, 2009, Public Law 111–8, and section 739(a)(1) of division D of the Consolidated Appropriations Act, 2008 (Public Law 110–161), and section 327 of the 2008 National Defense Authorization Act (Public Law 110–181), to prohibit the use of direct conversions to contract out, in whole or in part, activities or functions last performed by any number of Federal employees by an executive agency without first conducting a public-private competition. Such guidance shall ensure that—

(1) activities or functions performed by an executive agency and are reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially providing the same service, shall not be contacted out without first conducting a public-private conpetition;

(2) activities or functions performed by Federal employees for an executive agency may not be modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the activities or functions from the prohibition against the use of direct conversions; and

(3) activities or functions performed by Federal employees for an executive agency who have retired or been reassigned to perform other activities may not be converted to contractor performance without first conducting a public-private competition.

SEC. 743. During fiscal year 2012, for each employee who—

(1) retires under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code, or

(2) retires under any other provision of subchapter III of chapter 83 or chapter 84 of such title 5 and receives a payment as an incentive to separate, the separating agency shall remit to the Civil Service Retirement and Disability Fund an amount equal to the Office of Personnel Management's average unit cost of processing a retirement claim for the preceding fiscal year. Such amounts shall be available until expended to the Office of Personnel Management and shall be deemed to be an administrative expense under section 8348(a)(1)(B) of title 5, United States Code.

SEC. 744. (a) DEFINITIONS.—In this section—

(1) the term ''agency''—

(A) means an Executive agency as defined under section 105 of title 5, United States Code; and

(B) does not apply to the Department of Defense; and

(2) the term ''Federal employee'' means an employee as defined under section 2105 of title 5, United States Code.

(b) PROHIBITION OF CERTAIN PERSONNEL MANAGEMENT LIMITATIONS.—

(1) IN GENERAL.—Federal employees in each agency shall be managed each fiscal year solely on the basis of, and consistent with—

(A) the workload required to carry out the functions and activities of that agency; and

(B) the funds made available to that agency for that fiscal year.

(2) PROHIBITION ON LIMITATIONS.—Notwithstanding any other provision of law—

(A) the management of Federal employees in any fiscal year shall not be subject to any limitation in terms of work years, full-time equivalent positions, or maximum number of Federal employees; and

(B) an agency may not be required to make a reduction in the number of full-time equivalent positions, unless that reduction is—

(i) necessary due to a reduction in funds available to the agency; or

(ii) required under a statute that—

(I) is enacted after the date of enactment of this Act; and

(II) specifically refers to this section.

(c) EMPLOYEE NUMBERS, SKILLS, AND QUALIFICATIONS.—In each fiscal year, the head of each agency shall ensure that there are employed during that fiscal year Federal employees in the number and with the combination of skills and qualifications that are necessary to carry out the functions within the applicable budget activity for which funds are provided for that fiscal year.

(d) REPORTS.—

(1) IN GENERAL.—Not later than February 1 of each year, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the management of the Federal workforce.

(2) CONTENTS.—Each report submitted under this subsection shall include a statement by the Director of the Office of Management and Budget with respect to the preceding fiscal year—

(A) on the compliance of agencies (including the Office of Management and Budget) with subsections (b) and (c); and

(B) that identifies any agency that was not in compliance with subsections (b) and (c).

(e) EFFECTIVE DATE.—This section shall apply to fiscal year 2012 and each fiscal year thereafter.

SEC. 745. Except as expressly provided otherwise, any reference to ''this Act'' contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

SEC. 801. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 802. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 803. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 804. (a) None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter.

SEC. 805. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) re-establishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations of the House of Representatives and the Senate are notified in writing 15 days in advance of the reprogramming.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 1, 2012.

SEC. 806. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 807. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 808. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

SEC. 809. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 810. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 811. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

SEC. 812. Hereafter, as part of the submission of the annual budget justification, the Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report addressing—

(1) crime, including the homicide rate, implementation of community policing, and the number of police officers on local beats;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs, the retention rates in treatment programs, and the recidivism/re-arrest rates for treatment participants;

(3) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools, repeated grade rates, high school graduation rates, and post-secondary education attendance rates;

(4) improvement in basic District services, including rat control and abatement; and

(5) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received.

SEC. 813. None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

SEC. 814. None of the Federal funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 815. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2012 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 816. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, Sec. 1–204.42).

SEC. 817. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

SEC. 818. Notwithstanding any other laws, for this and succeeding fiscal years, the Director of the District of Columbia Public Defender Service shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an employee, member of the Board of Trustees, or officer of the District of Columbia Public Defender Service for money damages arising out of any claim, proceeding, or case at law relating to the furnishing of representational services or management services or related services while acting within the scope of that person's office or employment, including, but not limited to such claims, proceedings, or cases at law involving employment actions, injury, loss of liberty, property damage, loss of property, or personal injury, or death arising from malpractice or negligence of any such officer or employee.

SEC. 819. Section 346 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335) is amended—

(1) in the title, by striking ''BIENNIAL'';

(2) in subsection (a), by striking ''Biennial management'' and inserting ''Management'';

(3) in subsection (a), by striking ''States.'' and inserting ''States every five years.''; and

(4) in subsection (b)(6), by striking ''2'' and inserting ''5''.

SEC. 820. Except as expressly provided otherwise, any reference to ''this Act'' contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This Act may be cited as the ''Financial Services and General Government Appropriations Act, 2012''.

DIVISION C—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, $6,877,500,000, of which $1,400,000,000 is for Worldwide Security Protection (to remain available until expended): *Provided*, That funds made available under this heading shall be allocated as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed $700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, $2,387,854,000, to remain available until September 30, 2013, of which not less than $134,700,000 shall be available only for public diplomacy American salaries, and $205,900,000 is for Worldwide Security Protection and shall remain available until expended.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, $2,124,646,000, to remain available until September 30, 2013, of which not less than $360,602,000 shall be available only for public diplomacy international information programs.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or

specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, $865,000,000, to remain available until September 30, 2013.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, $1,500,000,000, to remain available until September 30, 2013, of which $1,194,100,000 is for Worldwide Security Protection and shall remain available until expended.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) not to exceed $1,753,991 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, $520,150, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;

(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(C) not to exceed $15,000, which shall be derived from reimbursements, surcharges and fees for use of Blair House facilities.

(6) TRANSFER, REPROGRAMMING, AND SPENDING PLAN.—

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed $10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading ''Emergencies in the Diplomatic and Consular Service'', to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $69,915,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $61,904,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $612,000,000, to remain available until expended: *Provided*, That not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $7,300,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $27,744,000, to remain available until September 30, 2013.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $795,000,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $775,000,000, to remain available until expended: *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the proposed allocation of funds made available under this heading and the actual and anticipated proceeds of sales for all projects in fiscal year 2012.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $9,300,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading ''Repatriation Loans Program Account'', subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,447,000, as authorized, of which $710,000 may be made available for administrative expenses necessary to carry out the direct loan program and may be paid to ''Diplomatic and Consular Programs'': *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $21,108,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, $158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,585,000,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further*, That notwithstanding any other provision of law, credits to United States assessed contributions to the United Nations Tax Equalization Fund should be used to offset other assessed contributions to the United Nations, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That any payment of arrearages under this heading shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,900,000,000, of which 15 percent shall remain available until September 30, 2013: *Provided*, That at least 15 days in advance of voting for a new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations shall be notified of the estimated cost and duration of the mission, the national interest that will be served, the exit strategy, and that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in the mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation or other violations of human rights, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission, including the prosecution in their home countries of such individuals in connection with such acts; and (2) notification pursuant to section 7015 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that American manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That the Secretary of State shall work with the United Nations and governments contributing peacekeeping troops to develop effective vetting procedures to ensure that troops have not violated human rights: *Provided further*, That notwithstanding any other provision of law, credits to United States assessed contributions to United Nations peacekeeping missions and to the United Nations Tax Equalization Fund should be used to offset other assessed contributions to the United Nations, subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $45,000,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $29,862,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by Public Law 103–182, $11,687,000: *Provided*, That of the amount provided under this heading for the International Joint Commission, $9,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $36,300,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors (BBG), as authorized, to carry out international communication activities, and to make and supervise grants for radio and television broadcasting to the Middle East, $740,039,000: *Provided*, That of the total amount in this heading, not less than $2,500,000 shall be used to expand unrestricted access to information on the Internet through the development and use of circumvention and secure communication technologies: *Provided further*, That the BBG shall coordinate the use of such technologies with the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate: *Provided further*, That the circumvention technologies and programs supported by funds made available by this Act or Public Law 112–10 shall undergo a peer review, to include an assessment of protections against such technologies being used for illicit purposes such as furthering the communications capabilities of extremist groups or their supporters: *Provided further*, That prior to obligation, the BBG shall submit to the Committees on Appropriations a report detailing planned expenditures for funds made available for such activities: *Provided further*, That not later than September 30, 2012, the BBG shall submit a report to the Committees on Appropriations listing programs supported by the BBG to promote unrestricted access to information through the Internet, including an assessment of the results of such programs: *Provided further*, That of the total amount appropriated under this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty: *Provided further*, That the authority provided by section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 6206 note) shall remain in effect through September 30, 2012: *Provided further*, That the BBG shall notify the Committees on Appropriations within 15 days of any determination by the Board that any of its broadcast entities, including its grantee organizations, provides an open platform for international terrorists or those who support international terrorism, or is in violation of the principles and standards set forth in the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b)) or the entity's journalistic code of ethics: *Provided further*, That reductions and increases to BBG broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, and television), for all BBG language services shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to $2,000,000 in receipts from advertising and revenue from business ventures, up to $500,000 in receipts from cooperating international organizations, and up to $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, including to Cuba, as authorized, $9,361,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), $17,000,000, to remain available until expended, as authorized.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act, $31,589,000, to remain available until September 30, 2012, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, 2012, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2012, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2012, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $16,700,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, $117,764,000, to remain available until expended, of which $100,000,000 shall be allocated in the traditional and customary manner, including for the core institutes, and $25,000,000 shall be for democracy, human rights, and rule of law programs: *Provided*, That the President of the National Endowment for Democracy shall submit to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, $656,000, as authorized by section 1303 of Public Law 99–83.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $4,291,000, to remain available until September 30, 2013: *Provided*, That notwithstanding the expenditure limitation specified in section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)), the Commission may expend up to $250,000 of the funds made available under this heading to procure temporary and intermittent services under the authority of section 3109(b) of title 5, United States Code.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,715,000, to remain available until September 30, 2013.

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

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's

Republic of China, as authorized by title III of the U.S.-China Relations Act of 2000 (22 U.S.C. 6911–6919), $1,996,000, including not more than $3,000 for the purpose of official representation, to remain available until September 30, 2013.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, as authorized by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), $3,493,000, including not more than $4,000 for the purpose of official representation, to remain available until September 30, 2013: *Provided*, That the second through sixth provisos under this heading in division F of Public Law 111–117 shall continue in effect during fiscal year 2012 and shall apply as if part of this Act.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $1,251,000,000, to remain available until September 30, 2013: *Provided*, That none of the funds appropriated under this heading and under the heading ''Capital Investment Fund'' in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development (USAID), unless the USAID Administrator has identified such proposed use of funds in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: *Provided further*, That any decision to open a new USAID mission, bureau, center, or office or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to ''Operating Expenses'' in accordance with the provisions of those sections: *Provided further*, That any reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, to the cost categories in the table included under this heading in the report accompanying this Act for funds appropriated under this heading, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated or made available under this heading, not to exceed $250,000 may be available for representation and entertainment allowances, of which not to exceed $5,000 may be available for entertainment allowances, for USAID during the current fiscal year: *Provided further*, That no such entertainment funds may be used for the purposes listed in section 7020 of this Act: *Provided further*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $137,000,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $49,000,000, to remain available until September 30, 2013, which sum shall be available for the Office of Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2012, unless otherwise specified herein, as follows:

GLOBAL HEALTH PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $2,657,500,000, to remain available until September 30, 2013, and which shall be apportioned directly to the United States Agency for International Development (USAID): *Provided*, That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health institutions and organizations in developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: *Provided further*, That funds appropriated under this paragraph shall be made available for a United States contribution to the GAVI Alliance: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made no later than 6 months after enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That the ninth and tenth provisos under this heading in the Consolidated Appropriations Act, 2010 (Public Law 111–117) shall apply to funds appropriated under this heading in this Act: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $5,250,000,000, to remain available until September 30, 2015, which shall be apportioned directly to the Department of State: *Provided*, That of the funds appropriated under this paragraph, not less than $750,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2012 may be made available to USAID for technical assistance related to the activities of the Global Fund: *Provided further*, That of the funds appropriated under this paragraph, up to $14,250,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, 214, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $2,550,000,000, to remain available until September 30, 2013: *Provided*, That relevant bureaus and offices of the United States Agency for International Development (USAID) that support cross-cutting development programs shall coordinate such programs on a regular basis: *Provided further*, That funds appropriated by this Act shall be made available for water and sanitation supply projects pursuant to the Paul Simon Water for the Poor Act of 2005 (Public Law 109–121): *Provided further*, That funds appropriated by this Act for food security and agricultural development programs may be made available notwithstanding any other provision of law and shall be made available for a United States contribution to the endowment of the Global Crop Diversity Trust pursuant to section 3202 of Public Law 110–246: *Provided further*, That funds appropriated under this heading shall be made available for programs to improve women's leadership capacity in recipient countries.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $850,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $55,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: *Provided further*, That if the Secretary of State determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to enable the Administrator of the United States Agency for International Development (USAID), with the concurrence of the Secretary of State, to support programs and activities to prevent or respond to emerging or unforeseen complex crises overseas, $30,000,000, to remain available until expended: *Provided*, That the administrative authorities of the Foreign Assistance Act of 1961 shall be applicable to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available on such terms and conditions as the USAID Administrator may determine, in consultation with the Committees on Appropriations, for the purposes of preventing or responding to such crises, except that no funds shall be made available to respond to natural disasters: *Provided further*, That funds appropriated under this heading shall be made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided further*, That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act: *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be transmitted at least 5 days in advance of the obligation of funds.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $50,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading ''Assistance for Europe, Eurasia and Central Asia'': *Provided*, That funds provided under this paragraph and funds provided as a gift pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: *Provided further*, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading, except that the principal amount of loans made or guaranteed under this heading with respect to any single country or borrower shall not exceed $300,000,000: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $1,000,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $8,300,000, which may be transferred to, and merged with, funds made available under the heading ''Operating Expenses'' in title II of this Act: *Provided*, That funds made available under this heading shall remain available until September 30, 2014.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $4,378,560,000, to remain available until September 30, 2013: *Provided*, That of the funds appropriated under this heading, up to $250,000,000 shall be available for assistance for Egypt, which shall be for programs and activities (including to implement sections 7039(a)(3) and (b) of this Act) to reduce poverty and create jobs, strengthen democracy, and protect human rights, including not less than $35,000,000 for education programs of which not less than $10,000,000 is for scholarships at not-for-profit institutions for Egyptian students with high financial need: *Provided further*, That funds appropriated under this heading that are made available for assistance for Cyprus shall be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That $12,000,000 of the funds made available for assistance for Lebanon under this heading shall be for scholarships at not-for-profit institutions for students in Lebanon with high financial need: *Provided further*, That of the funds appropriated under this heading, not less than $360,000,000 shall be available for assistance for Jordan, including for programs and activities to reduce poverty and create jobs, strengthen democracy, and protect human rights: *Provided further*, That up to $30,000,000 of the funds appropriated for fiscal year 2011 under this heading in Public Law 112–10, division B, may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Tunisia, which are authorized to be provided: *Provided further*, That amounts that are made available under the previous proviso for the cost of guarantees shall not be considered ''assistance'' for the purposes of provisions of law limiting assistance to a country: *Provided further*, That none of the funds appropriated under this heading may be made available for the Palestinian Authority if Palestine becomes a member or non-member state of the United Nations outside of an agreement negotiated between Israel and the Palestinians: *Provided further*, That the Secretary may waive the previous proviso if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interests of the United States: *Provided further*, That of the funds appropriated under this heading, $179,000,000 shall be apportioned directly to the United States Agency for International Development for alternative development/institution building programs in Colombia: *Provided further*, That of the funds appropriated under this heading that are available for assistance for Colombia, not less than $8,000,000 shall be transferred to, and merged with, funds appropriated under the heading ''Migration and Refugee Assistance'' and shall be made available only for assistance to nongovernmental and international organizations that provide assistance to Colombian refugees in neighboring countries: *Provided further*, That of the funds appropriated under this heading, $15,000,000 may be made available for assistance for Cuba, including humanitarian and democracy assistance, support for economic reform, private sector initiatives, and human rights.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, $114,770,000, to remain available until September 30, 2013, of which $70,910,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and $43,860,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, $626,718,000, to remain available until September 30, 2013, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for countries identified in section 3 of the FREEDOM Support Act and section 3(c) of the SEED Act: *Provided*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further*, That funds made available for the Southern Caucasus region may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of conflicts, including in Nagorno-Karabakh: *Provided further*, That of the funds appropriated under this heading, not less than $7,000,000 shall be made available for humanitarian, conflict mitigation, human rights, civil society, and relief and reconstruction assistance for the North Caucasus.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses not otherwise provided for, to enable the Secretary of State to

carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $1,700,000,000, to remain available until expended, of which $20,000,000 shall be made available for refugees resettling in Israel, and not less than $35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements of international and nongovernmental partners.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501–2523), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $375,000,000, of which $5,000,000 is for the Office of Inspector General, to remain available until September 30, 2013: *Provided*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed $5,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed $4,000 may be made available for entertainment expenses: *Provided further*, That not later than 45 days after enactment of this Act, the Director shall submit a spending plan to the Committees on Appropriations on the proposed uses of funds under this heading: *Provided further*, That none of the funds appropriated under this heading may be used to pay for abortions, except when the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

MILLENNIUM CHALLENGE CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, $898,200,000 to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to $105,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): *Provided further*, That up to 5 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for fiscal year 2012: *Provided further*, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further*, That the Chief Executive Officer of the Corporation shall notify the Committees on Appropriations not later than 15 days prior to signing any new country compact or new threshold country program; terminating or suspending any country compact or threshold country program; or commencing negotiations for any new compact or threshold country program: *Provided further*, That funds appropriated by this Act or any prior Act appropriating funds for the Department of State, foreign operations, and related programs that are made available for a Millennium Challenge Compact and that are suspended or terminated by the Chief Executive Officer of the Corporation shall be subject to the regular notification procedures of the Committees on Appropriations prior to re-obligation: *Provided further*, That none of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under this heading may be used for military assistance or military training, including for assistance for military or paramilitary purposes and for assistance to military forces: *Provided further*, That of the funds appropriated under this heading, not to exceed $100,000 may be available for representation and entertainment allowances, of which not to exceed $5,000 may be available for entertainment allowances.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $22,500,000, to remain available until September 30, 2013: *Provided*, That of the funds appropriated under this heading, not to exceed $2,000 may be available for entertainment and representation allowances.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533), $30,000,000, to remain available until September 30, 2013: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $27,000,000, to remain available until September 30, 2013, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to part V of the Foreign Assistance Act of 1961, $15,000,000, to remain available until September 30, 2013.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $1,056,000,000, to remain available until September 30, 2013: *Provided*, That during fiscal year 2012, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country or international organization under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That notwithstanding any provision of this or any other Act, funds appropriated in prior years under the headings ''Andean Counterdrug Initiative'' and ''Andean Counterdrug Program'' shall be available for use in any country for which funds may be made available under this heading without regard to the geographic or purpose limitations under which such funds were originally appropriated, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That, notwithstanding any other provision of law, of the funds appropriated under this heading, $5,000,000 should be made available to combat piracy of United States copyrighted materials, consistent with the requirements of section 688(a) and (b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161): *Provided further*, That not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the operation and maintenance costs of aircraft utilized in Iraq in support of programs funded under this heading, a justification for not including such costs under the heading ''Diplomatic and Consular Programs'', and estimates for overhead costs associated with the Stabilization Operations and Security Sector Reform program: *Provided further*, That the concurrence of the Secretary of State shall be required for the provision of assistance which is comparable to assistance made available under this heading but which is provided under any other provision of law.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $685,500,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section

504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That the clearance of unexploded ordnance should prioritize areas where such ordnance was caused by the United States: *Provided further*, That of the funds made available under this heading, not to exceed $30,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, to promote bilateral and multilateral activities relating to nonproliferation, disarmament and weapons destruction: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: *Provided further*, That funds appropriated under this heading may be made available for public-private partnerships for conventional weapons and mine action by grant, cooperative agreement or contract: *Provided further*, That funds made available for demining and related activities, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further*, That funds appropriated under this heading that are available for ''Anti-terrorism Assistance'' and ''Export Control and Border Security'' shall remain available until September 30, 2013.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $262,000,000: *Provided*, That funds appropriated under this heading may be used, notwithstanding section 660 of such Act, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: *Provided further*, That funds appropriated under this heading may be used to pay assessed expenses of international peacekeeping activities in Somalia and shall be available until September 30, 2013: *Provided further*, That funds appropriated under this Act should not be used to support any military training or operations that include child soldiers: *Provided further*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $105,788,000: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds made available under this heading for assistance for Angola, Bahrain, Bangladesh, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia, Guatemala, Guinea, Haiti, Indonesia, Kenya, Libya, Nepal, Nigeria, and Sri Lanka may only be provided through the regular notification procedures of the Committees on Appropriations and any such notification shall include a detailed description of proposed activities: *Provided further*, That of the funds appropriated under this heading, not to exceed $55,000 may be available for entertainment allowances.

FOREIGN MILITARY FINANCING PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $5,346,000,000: *Provided*, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: *Provided further*, That of the funds appropriated under this heading, not less than $3,075,000,000 shall be available for grants only for Israel, and up to $1,300,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: *Provided further*, That prior to the obligation of funds appropriated under this heading for assistance for Egypt, the Secretary of State shall certify to the Committees on Appropriations that the Governments of the United States and Egypt have agreed upon the specific uses of such funds, that such funds further the national interests of the United States in Egypt and the region, and that the Government of Egypt has held free and fair elections and is implementing policies to protect the rights of journalists, due process, and freedoms of expression and association: *Provided further*, That the funds appropriated under this heading for assistance for Israel shall be disbursed within 30 days of enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than $808,725,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That funds appropriated under this heading estimated to be outlayed for Egypt during fiscal year 2012 may be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act: *Provided further*, That of the funds appropriated under this heading, $300,000,000 shall be made available for assistance for Jordan: *Provided further*, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) unless the Secretary of State, in consultation with the Secretary of Defense, has justified such program to the Committees on Appropriations: *Provided further*, That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That none of the funds appropriated under this heading may be made available for assistance for Nepal, Sri Lanka, Pakistan, Bangladesh, Bahrain, Philippines, Indonesia, Haiti, Guatemala, Honduras, Ethiopia, Cambodia, Kenya, Chad, and the Democratic Republic of the Congo except pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $62,800,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading for general costs of administering military assistance and sales, not to exceed $4,000 may be available for entertainment expenses and not to exceed $130,000 may be available for representation allowances: *Provided further*, That not more than $836,900,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2012 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That, with respect to the previous proviso, up to $100,000,000 of such funds may be transferred to the Special Defense Acquisition Fund pursuant to section 51 of the Arms Export Control Act.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $352,950,000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility by the Secretary of the Treasury, $120,000,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in portion of the increases in capital stock, $117,364,344, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $2,928,990,899.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,355,000,000, to remain available until expended.

For payment to the International Development Association by the Secretary of the Treasury for costs incurred under the Multilateral Debt Relief Initiative, $167,000,000, to remain available until expended.

CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Clean Technology Fund by the Secretary of the Treasury, $350,000,000, to remain available until expended.

CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Strategic Climate Fund by the Secretary of the Treasury, $100,000,000, to remain available until expended.

GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

For payment to the Global Agriculture and Food Security Program by the Secretary of the Treasury, $200,000,000, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $25,000,000, to remain available until expended.

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, $4,670,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $4,098,794,833.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, $25,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of increase in capital stock, $106,586,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,558,048,769.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank's Asian Development Fund by the Secretary of the Treasury, $100,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $32,417,720, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $507,860,808.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $125,000,000, to remain available until expended.

For payment to the African Development Fund by the Secretary of the Treasury for costs incurred under the Multilateral Debt Relief Initiative, $7,500,000, to remain available until expended.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital of the United States share of such capital in an amount not to exceed $1,252,331,952.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, $30,000,000, to remain available until expended.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,000,000, to remain available until September 30, 2013.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further*, That the use of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank during the current fiscal year should not result in greenhouse gas emissions from the extraction or production of fossil fuels and the use of fossil fuels in electricity generation exceeding the total amount of such emissions resulting from the use of such authority during fiscal year 2010, unless not less than 15 days prior to the use of such authority the Export-Import Bank provides written notification to the Committees on Appropriations that the use of such authority would result in greenhouse gas emissions exceeding such amount and indicating the amount of the increase, and posts such notification on the Bank's Web site: *Provided further*, That not less than 10 percent of such aggregate should be used for renewable energy technology and end-use energy efficiency technologies: *Provided further*, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2012: *Provided further*, That notwithstanding the dates specified in section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 6350 and section 1(c) of Public Law 103–428), the Export-Import Bank of the United States shall continue to exercise its functions in connection with and in furtherance of its objects and purposes through September 30, 2012.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed $58,000,000: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds shall remain available until September 30, 2027, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2012, 2013, 2014, and 2015: *Provided further*, That none of the funds appropriated by this Act or any prior Acts appropriating funds for the Department of State, foreign operations, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed $89,900,000: *Provided*, That the Export-

Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2012: *Provided further*, That the Export-Import Bank shall charge fees for necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal, financial, or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That, in addition to other funds appropriated for administrative expenses, such fees shall be credited to this account, to remain available until expended.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0: *Provided further*, That amounts collected in fiscal year 2012 in excess of obligations, up to $50,000,000, shall become available on September 1, 2012 and shall remain available until September 30, 2015.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $54,990,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $29,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2012, 2013, and 2014: *Provided further*, That funds so obligated in fiscal year 2012 remain available for disbursement through 2020; funds obligated in fiscal year 2013 remain available for disbursement through 2021; and funds obligated in fiscal year 2014 remain available for disbursement through 2022: *Provided further*, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until September 30, 2013: *Provided*, That of the funds appropriated under this heading, not more than $4,000 may be available for representation and entertainment allowances.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all expired and unexpired funds received by such department or agency in fiscal year 2012 or any previous fiscal year: *Provided*, That for the purposes of this section, obligated balances shall not include obligations made through bilateral agreements unless further sub-obligated.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

EMBASSY CONSTRUCTION

SEC. 7004. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

(c) For the purposes of calculating the fiscal year 2012 costs of providing new United States diplomatic facilities in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares in a manner that is proportional to the Department of State's contribution for this purpose.

(d) Funds appropriated by this Act, and any prior Act making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property for diplomatic facilities in Afghanistan, Pakistan, and Iraq, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(e) Section 604(e)(1) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note) is amended by striking ''providing new,'' and inserting in its place ''providing, maintaining, repairing, and renovating''.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

LOCAL GUARD CONTRACTS

SEC. 7006. In evaluating proposals for local guard contracts, the Secretary of State shall award contracts in accordance with section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864), except that the Secretary may grant authorization to award such contracts on the basis of best value as determined by a cost-technical tradeoff analysis (as described in Federal Acquisition Regulation part 15.101) in Iraq, Afghanistan, and Pakistan, notwithstanding subsection (c)(3) of such section: *Provided*, That the authority in this section shall apply to any options for renewal that may be exercised under such contracts that are awarded during the current fiscal year: *Provided further*, That prior to issuing a solicitation for a contract to be awarded pursuant to the authority under this section, the Secretary of State shall consult with the Committees on Appropriations.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance

and guarantees of the Export-Import Bank or its agents.

COUPS D'ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree, or a coup d'état or decree that is supported by the military: *Provided*, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—

(1) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(2) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7015(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) EXPORT FINANCING TRANSFER AUTHORITIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2012, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—

(1) None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(3) Any agreement entered into by the United States Agency for International Development (USAID) or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of $1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Global Health Programs'', ''Development Assistance'', and ''Economic Support Fund'' shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Inspector General (IG) for the agency receiving the transfer or allocation of such funds, or other entity with audit responsibility if the receiving agency does not have an IG, shall perform periodic program and financial audits of the use of such funds: *Provided*, That funds transferred under such authority may be made available for the cost of such audits.

REPORTING REQUIREMENT

SEC. 7010. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2012, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peacekeeping Operations'', and ''Pakistan Counter-Insurgency Fund'': *Provided*, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 661, section 667, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings ''Assistance for Europe, Eurasia and Central Asia'' and ''Development Credit Authority'', shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially allocated or obligated before the expiration of their respective periods of availability contained in this Act.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2011 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2012 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms ''taxes'' and ''taxation'' refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term ''bilateral agreement'' refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

RESERVATIONS OF FUNDS

SEC. 7014. (a) Funds appropriated under titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development (USAID) that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the USAID Administrator determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

REPROGRAMMING NOTIFICATION REQUIREMENTS

SEC. 7015. (a) None of the funds made available in title I of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates new programs;

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

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

(4) relocates an office or employees;

(5) closes or opens a mission or post;

(6) creates, reorganizes, or renames bureaus, centers, or offices;

(7) reorganizes programs or activities; or

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

(b) None of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agency or department funded under title I of this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agency or department funded under title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, that:

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

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

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

(c) None of the funds made available under titles II through VI and VIII in this Act under the headings ''Global Health Programs'', ''Development Assistance'', ''International Organizations and Programs'', ''Trade and Development Agency'', ''International Narcotics Control and Law Enforcement'', ''Assistance for Europe, Eurasia and Central Asia'', ''Economic Support Fund'', ''Democracy Fund'', ''Peacekeeping Operations'', ''Capital Investment Fund'', ''Operating Expenses'', ''Conflict Stabilization Operations'', ''Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Millennium Challenge Corporation'', ''Global Security Contingency Fund'', ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Pakistan Counter-Insurgency Capability Fund'', and ''Peace Corps'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That requirements of this subsection or any similar provision of this or any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles II through IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

(d) Notwithstanding any other provision of law, with the exception of funds transferred to, and merged with, funds appropriated under title I of this Act, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations, and funds made available for programs authorized by section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) None of the funds appropriated under titles III through VI and VIII of this Act shall be obligated or expended for assistance for Serbia, Sudan, South Sudan, Zimbabwe, Afghanistan, Pakistan, Cuba, Iran, Haiti, Libya, Ethiopia, Nepal, Colombia, Burma, Yemen, Mexico, Kazakhstan, Uzbekistan, Somalia, Sri Lanka, or Cambodia except as provided through the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles III through VI of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2013.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of such funds by any such country or organization would violate any provisions related to abortions and involuntary sterilizations in section 104(f)(1), (2), and (3) of such Act.

ALLOCATIONS

SEC. 7019. (a) Funds provided in this Act shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act.

(b) For the purposes of implementing this section and only with respect to the tables included in the report accompanying this Act, the Secretary of State, the Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 7020. None of the funds appropriated or otherwise made available by this Act under the headings ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities or under the headings ''Global Health Programs'', ''Development Assistance'', and ''Economic Support Fund'' may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EXPORTS.—

(1) None of the funds appropriated or otherwise made available by titles III through VI of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979: *Provided*, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: *Provided further*, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(2) Assistance restricted by paragraph (1) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interests of the United States.

(3) Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

(b) BILATERAL ASSISTANCE.—

(1) Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such title in prior acts making appropriations for the Department of State, foreign operations, and related programs, shall not be made available to any foreign government which the President determines—

(A) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(B) otherwise supports international terrorism.

(2) The President may waive the application of paragraph (1) to a government if the President determines that national security or humanitarian reasons justify such waiver: *Provided*, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION REQUIREMENTS

SEC. 7022. Funds appropriated by this Act, except funds appropriated under the heading ''Trade and Development Agency'', may be obligated and expended notwithstanding section 10 of Public Law 91–672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7023. For the purpose of titles II through VI of this Act ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: ''Economic Support Fund'' and ''Foreign Military Financing Program'', ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development ''program, project, and activity'' shall also be considered to include central, country, regional, and program level funding, either as:

(1) justified to the Congress; or

(2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 7024. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act: *Provided*, That the agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7025. (a) None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations: *Provided further*, That this subsection shall not prohibit—

(1) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(2) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States;

(2) research activities intended primarily to benefit American producers;

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

SEPARATE ACCOUNTS

SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development (USAID) shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for

deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The USAID Administrator shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the regular notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Section 123 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u) is amended by adding the following new subsection at the end:

''(i)(1) Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from—

''(A) funds made available to carry out this chapter and chapters 10, 11, and 12 of part I and chapter 4 of part II; or

''(B) funds made available for economic assistance activities under the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

''(2) The President shall submit to Congress, in accordance with section 634A, advance notice of an intent to obligate funds under the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations.

''(3) This subsection shall not apply—

''(A) with respect to section 620A of this Act or any comparable provision of law prohibiting assistance to governments that support international terrorism; or

''(B) with respect to section 116 of this Act or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

''(4) Nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilization contained in this or any other Act.''.

(b) PUBLIC LAW 480.—During fiscal year 2012, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Food for Peace Act (Public Law 83–480, as amended): *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7028. None of the funds appropriated under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7029. (a) None of the funds appropriated under title V of this Act may be made as payment to any international financial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation such executive director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States executive director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) Of the funds appropriated under title V of this Act that are available for payments to international financial institutions, 10 percent should not be obligated for any such institution until the Secretary of the Treasury reports to the Committees on Appropriations that the institution is implementing effective practices to protect whistleblowers (including the institution's employees and others affected by the institution's operations) from retaliation for internal and lawful public disclosures, including—

(1) best practices for legal burdens of proof;

(2) access to independent adjudicative bodies, including external arbitration based on consensus selection and shared costs;

(3) results that eliminate the effects of proven retaliation; and

(4) a minimum of a 6-month statute of limitations for reporting retaliation.

(c) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to oppose any loan, grant, strategy or policy of such institution that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, care and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal health, in connection with such institution's financing programs.

(d) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (the Fund) to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on healthcare or education; and to promote government spending on healthcare, education, agriculture and food security, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

(e) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose any assistance by such institutions, using funds appropriated or made available pursuant to titles III through VI of this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

(f) For the purposes of this Act ''international financial institutions'' shall mean the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Asian Development Fund, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank and the African Development Fund.

DEBT-FOR-DEVELOPMENT

SEC. 7030. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-

for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 7031. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section: *Provided*, That such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

SPECIAL PROVISIONS

SEC. 7032. (a) AFGHANISTAN, PAKISTAN, IRAQ, LEBANON, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated under titles III through VI of this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated under titles III and VI of this Act that are made available for assistance for Pakistan, Iraq, and Lebanon and for victims of war, displaced children, displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law except section 620M of the Foreign Assistance Act, as amended by this Act.

(b) WAIVER.—

(1) The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the President pro tempore of the Senate, the Speaker of the House of Representatives, and the Committees on Appropriations that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(3) Not later than 30 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations specific recommendations on appropriate actions to be taken with respect to the Palestine Liberation Organization's status in the United States, especially about the closing of its office, if Palestine seeks to become a member or non-member state of the United Nations outside an agreement negotiated between Israel and the Palestinians.

(c) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development (USAID) may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(d) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other subnational entity emerging from instability, as well as a nation emerging from instability.

(e) EXTENSION OF AUTHORITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) In section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''and 2011'' and inserting ''2011, and 2012''; and

(B) in subsection (e), by striking ''June 1, 2011'' each place it appears and inserting ''October 1, 2012''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''2011'' and inserting ''2012''.

(f) WORLD FOOD PROGRAM.—Funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance, USAID, from this or any other Act, shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(g) DISARMAMENT, DEMOBILIZATION AND REINTEGRATION.—Notwithstanding any other provision of law, regulation or Executive order, funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Economic Support Fund'', ''Peacekeeping Operations'', ''International Disaster Assistance'', and ''Transition Initiatives'' should be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this subsection: *Provided further*, That for the purposes of this subsection the term ''foreign terrorist organization'' means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(h) CONTINGENCIES.—During fiscal year 2012, the President may use up to $75,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(i) CONSOLIDATION OF REPORTS.—The Secretary of State, in coordination with the USAID Administrator, shall submit to the Committees on Appropriations not later than 90 days after enactment of this Act recommendations for the consolidation or combination of reports (including plans and strategies) that are called for by any provision of law to be submitted to the Congress and that are substantially duplicative of others called for by any other provision of law: *Provided*, That reports are considered ''substantially duplicative'' if they are required to address at least more than half of the same substantive factors, criteria and issues that are required to be addressed by any other report, and any such consolidated report must address all the substantive factors, criteria and issues required to be addressed in each of the individual reports: *Provided further*, That reports affected by this subsection are those within the purview of, or prepared primarily by, the Department of State and USAID and that relate to matters addressed under this Act or any other Act authorizing or appropriating funds for use by, or actions of, the Department of State or USAID.

(j) PROMOTION OF DEMOCRACY.—

(1) Funds made available by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy, any regulation.

(2) For the purposes of funds appropriated by this Act, the term ''promotion of democracy'' means programs that support good governance, human rights, independent media, and the rule of law, and otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, institutions, and practices that are responsive and accountable to citizens.

(3) With respect to the provision of assistance for democracy, human rights and governance activities in this Act, the organizations implementing such assistance and the specific nature of that assistance shall not

be subject to the prior approval by the government of any foreign country.

(4) Of the funds appropriated under the heading ''Economic Support Fund'', up to $25,000,000 shall be made available to the Bureau of Democracy, Human Rights and Labor for programs to promote human rights by expanding open and uncensored access to information and communication through the Internet, mobile phones, and other connection technologies including digital safety training, policy and advocacy, and the development of circumvention and secure communication technologies, as identified in the Department of State's Internet freedom strategy: *Provided*, That funds made available by this section should be matched by sources other than the United States Government, as appropriate: *Provided further*, That the Secretary of State shall coordinate the uses of circumvention and secure communications technologies with the Administrator of the United States Agency for International Development (USAID) and the Broadcasting Board of Governors, as appropriate: *Provided further*, That the circumvention technologies and programs supported by funds made available by this Act, Public Law 111–117 or Public Law 112–10 shall undergo a peer review, to include an assessment of the protection against such technologies being used for illicit purposes, including to further the communications capabilities of extremist groups or their supporters: *Provided further*, That prior to the obligation of funds, the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures of funds made available for activities to promote Internet freedom: *Provided further*, That not later than September 30, 2012, the Secretary of State, in coordination with the USAID Administrator, shall submit a report to the Committees on Appropriations listing programs supported by the Department of State and USAID to promote Internet freedom, including an assessment of the results of such programs, and detailing how such programs further, and are coordinated with cyber diplomacy and the United States International Strategy for Cyberspace.

(k) ACCOUNTABILITY REVIEW BOARDS.—The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect through September 30, 2012.

(l) PARTNER VETTING.—The provisions of section 7034(o) of division F of Public Law 111–117 shall remain in effect through fiscal year 2012.

(m) MOTOR VEHICLE POLLUTION CONTROL.—Not later than 90 days after enactment of this Act, the head of each United States Government agency that receives funds appropriated by this Act shall establish a policy to eliminate unnecessary idling of motor vehicles owned or leased by such department or agency, and provide a copy of such policy to the Committees on Appropriations including an estimate of the amount of annual fuel savings that will result from such policy: *Provided*, That such policy may include exceptions to accommodate important security, health, or safety concerns, and if necessary to perform an important job function, ensure safe operating conditions, or to operate a motor vehicle in accordance with manufacturer specifications.

(n) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.—The Secretary of State shall implement section 203(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457): *Provided*, That in determining whether to suspend the issuance of A–3 or G–5 visas to applicants seeking to work for officials of a diplomatic mission or international organization, the Secretary shall consider whether a final court judgment has been issued against a current or former employee of such mission or organization (and the time period for a final appeal has expired) or whether the Department of State has requested that immunity of individual diplomats or family members be waived to permit criminal prosecution: *Provided further*, That the Secretary should continue to assist in obtaining payment of final court judgments awarded to A–3 and G–5 visa holders, including encouraging the sending states to provide compensation directly to victims: *Provided further*, That the Secretary shall include, in a manner the Secretary deems appropriate, all trafficking cases involving A–3 or G–5 visa holders in the Trafficking in Persons annual report for which a final civil judgment has been issued (and the time period for final appeal has expired) or the Department of Justice has determined that the United States Government would seek to indict the diplomat or a family member but for diplomatic immunity.

(o) MODIFICATION OF AMENDMENT.—Section 620J of the Foreign Assistance Act of 1961 (Limitation on Assistance to Security Forces) is amended as follows:

(1) by redesignating the section as section 620M;

(2) in subsection (a), by striking ''evidence'' and inserting ''information'' and by striking ''gross violations'' and inserting ''a gross violation'';

(3) in subsection (b), by striking ''measures'' and inserting ''steps''; and

(4) by adding the following subsections:

''(d) CREDIBLE INFORMATION.—Not later than 180 days after the enactment of this section, the Secretary shall establish, and periodically update, procedures to—

''(1) ensure that for each country the Department of State has a current list of all security force units receiving United States training, equipment, or other types of assistance;

''(2) facilitate receipt by the Department of State and United States embassies of information from individuals and organizations outside the United States Government about gross violations of human rights by security force units;

''(3) routinely request and obtain such information from the Department of Defense, the Central Intelligence Agency, and other United States Government sources;

''(4) ensure that such information is evaluated and preserved;

''(5) ensure that when vetting an individual for eligibility to receive United States training the individual's unit is also vetted;

''(6) seek to identify the unit involved when credible information of a gross violation exists but the identity of the unit is lacking; and

''(7) make publicly available, to the maximum extent practicable, the identity of those units for which the Secretary has credible information.

''(e) REPORT.—The Secretary shall provide a copy of the procedures to the Committees on Appropriations.''

(p) SECTIONS REPEALED.—Sections 494, 495, and 495B through 495K of the Foreign Assistance Act of 1961 are hereby repealed.

(q) ANNUITANT WAIVER.—

(1) Section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) is amended in subsection (g)—

(A) in paragraph (1)(B), by inserting ''to positions in the Response Readiness Corps,'' before ''or to posts vacated''; and

(B) in paragraph (2), by striking ''2011'' and inserting in lieu thereof ''2013''.

(2) Section 61 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733) is amended in subsection (a)—

(A) in paragraph (1), by inserting ''to positions in the Response Readiness Corps,'' before ''or to posts vacated''; and

(B) in paragraph (2), by striking ''2011'' and inserting in lieu thereof ''2013''.

(3) Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended in subsection (j)(1)—

(A) in subparagraph (A), by inserting ''to positions in the Response Readiness Corps,'' before ''or to posts vacated''; and

(B) in subparagraph (B), by striking ''2011'' and inserting in lieu thereof ''2013''.

(r) INCENTIVES FOR CRITICAL POSTS.—The authority contained in section 1115(d) of Public Law 111–32 shall remain in effect through fiscal year 2012.

(s) REPORTS REPEALED.—Section 4(b) of Public Law 79–264; section 51(a)(2) of Public Law 84–885; sections 133(d), 620C(c) and 620F(c) of Public Law 87–195; section 807 of Public Law 98–164; section 704(c) of Public Law 101–179; section 104 of Public Law 102–511; section 560(g) of Public Law 103–87; sections 514(a) and 527(f) of Public Law 103–236; section 605(c) of Appendix G, Public Law 106–113; sections 3203 and 3204(f) of division B of Public Law 106–246; section 564(g)(4) of Public Law 106–429; section 304(f) of Public Law 107–173; sections 694(a), 694(b), 702, 704 and 1321 of Public Law 107–228; and section 409(c) of Public Law 108–447 are hereby repealed.

(t) FEE.—Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) is amended by striking ''2011'' and inserting instead ''2012''.

(u) CONFLICT STABILIZATION OPERATIONS AUTHORITY.—Of the funds appropriated in title I of this Act under the heading ''Diplomatic and Consular Programs'', up to $35,000,000, to remain available until expended, may be made available pursuant to the authorities under the heading ''Civilian Stabilization Initiative'' in title I of division F of Public Law 111–117: *Provided*, That the third and fourth proviso under such heading shall not apply to funds made available under this subsection.

(v) TRANSFER OF AUTHORITY.—

(1) The State Department Basic Authorities Act of 1956 is amended in section 1(c)(1) (22 U.S.C. 2651a(c)(1)) by striking ''24'' and inserting instead ''26''.

(2) The Secretary of State may transfer any authority, duty, or function assigned by statute to the Coordinator for Counterterrorism, the Coordinator for Reconstruction and Stabilization, or the Coordinator for International Energy Affairs (or to their respective offices) to such other officials or offices of the Department of State as the Secretary may determine from time to time, following consultation with the Committees on Appropriations.

(w) COUNTRY EXPENDITURES.—Except to respond to humanitarian crises or natural or man-made disasters, or to promote democracy or protect human rights, funds appropriated under the headings ''Global Health Programs'', ''Development Assistance'', ''Economic Support Fund'', ''Millennium Challenge Corporation'', and ''International Narcotics Control and Law Enforcement'' shall not be made available for programs and activities in any country whose government is not increasing its own budgetary expenditures for such programs and activities.

(x) PERSONNEL.—The authority provided by section 1113 of Public Law 111–32 shall remain in effect through fiscal year 2012: *Provided*, That none of the funds appropriated or otherwise made available by this Act or any other Act making appropriations for the Department of State, foreign operations, and related programs may be used to implement phase 3 of such authority.

(y) INTERNATIONAL CHILD ABDUCTIONS.—The Secretary of State may withhold funds appropriated by this Act under the heading

''Economic Support Fund'' for assistance for the central government of any country that the Secretary determines is not taking appropriate steps to comply with the Convention on the Civil Aspects of International Child Abductions, done at the Hague on October 25, 1980: *Provided*, That the Secretary shall report to the Committees on Appropriations within 15 days of making any such determination.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7033. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7034. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if the President determines that it is important to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7038 of this Act (''Limitation on Assistance for the Palestinian Authority'').

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7035. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem: *Provided further*, That as has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7036. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7037. (a) OVERSIGHT.—For fiscal year 2012, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading ''Economic Support Fund'' for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity's governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: *Provided*, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations act, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to $500,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection: *Provided*, That such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2012 under the heading ''Economic Support Fund'', and such audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109–13.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7038. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: *Provided*, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or a government over which Hamas exercises undue influence.

(2) Notwithstanding the limitation of subsection (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended: *Provided*, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

NEAR EAST

SEC. 7039. (a) EGYPT.—

(1) Notwithstanding any other provision of this Act, funds appropriated by this Act under the heading ''Foreign Military Financing Program'' for assistance for Egypt may be transferred to, and merged with, funds appropriated for assistance for Egypt under the heading ''Economic Support Fund'': *Provided*, That such transfer may only be made following consultation with, and subject to the regular notification procedures of, the Committees on Appropriations.

(2)(A) None of the funds appropriated by this Act may be made available for assistance for the central Government of Egypt unless the Secretary of State certifies to the Committees on Appropriations that such government is meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

(B) The Secretary of State may waive paragraph (2)(A) if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national interests of the United States: *Provided*, That any such determination and report shall include a detailed justification for such waiver.

(3)(A) Funds appropriated under the heading ''Economic Support Fund'' in this and prior Acts (including previously obligated funds), may be made available, notwithstanding any other provision of law, for an Egypt initiative, particularly for the specific costs referred to in the authorities referenced herein, for the purpose of improving the lives of the Egyptian people through education, investment in jobs and skills (including secondary and vocational education), and access to finance for small and medium enterprise with emphasis on expanding opportunities for women, as well as other appropriate market-reform and economic growth activities: *Provided*, That the provisions of title VI of Public Law 103–306 pertaining to funds for Jordan shall be deemed to apply to any such initiative and to funds available under this section to carry out such an initiative in the same manner as such cited provisions apply to Jordan, subject to the following provisos: *Provided further*, That subparagraph (b)(2) shall be deemed not to apply and the amount made available pursuant to this section as set forth in the report accompanying this Act and incorporated herein shall be deemed to apply in lieu of the figure in subparagraph (b)(1): *Provided further*, That the authority to reduce debt shall include authority to exchange an outstanding obligation for a new obligation and to permit both principal and interest payments on new obligations to be deposited into a fund established for such purpose, to be used in accordance with purposes set forth in an agreement between the United States and Egypt: *Provided further*, That the authority of this paragraph shall only be made available after the Secretary of State certifies to the Committees on Appropriations that the Government of Egypt has held free and fair elections and is implementing policies to protect the rights of journalists, due process, and freedoms of expression and association.

(b) ENTERPRISE FUNDS.—Up to $60,000,000 of funds appropriated under the heading ''Economic Support Fund'' in this Act and prior acts making appropriations for the Department of State, foreign operations, and related programs (and including previously obligated funds), that are available for assistance for Egypt, up to $20,000,000 of such funds that are available for assistance for Tunisia, up to $60,000,000 of such funds that are available for assistance for Pakistan, and up to $60,000,000 of such funds that are available for assistance for Jordan, respectively, may be made available notwithstanding any other provision of law, to establish and operate one or more enterprise funds for Egypt, Tunisia, Pakistan, and Jordan, respectively: *Provided*, That provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the provisions of subsections (b)(c)(d)(3) and (f) of that section), shall be deemed to apply to any such fund or funds, and to funds made available to such fund or funds, in order to enable such fund or funds to provide assistance for purposes of this section: *Provided further*, That section 7077 of division F of Public Law 111–117 shall apply to any such fund or funds established pursuant to this subsection: *Provided further*, That not more than 5 percent of the funds made available pursuant to this subsection should be available for administrative expenses of such fund or funds and not later than 1 year after the date of enactment of this Act, and annually thereafter until each fund is dissolved, each fund shall submit to the Committees on Appropriations a report detailing the administrative expenses of such fund: *Provided further*, That each fund shall be governed by a Board of Directors comprised of six private United States citizens and three private citizens of each country, respectively, who have had international business careers and demonstrated expertise in international and emerging markets investment activities: *Provided further*, That not later than 1 year after the entry into force of the initial grant agreement under this section and annually thereafter, each fund shall prepare and make available to the public on an Internet Web site administered by the fund a detailed report on the fund's activities during the previous year: *Provided further*, That the authority of any such fund or funds to provide assistance shall cease to be effective on December 31, 2022: *Provided further*, That funds made available pursuant to this section shall be subject to prior consultation with the Committees on Appropriations.

(c) IRAN.—

(1) It is the policy of the United States to seek to prevent Iran from achieving the capability to produce or otherwise manufacture nuclear weapons, including by supporting international diplomatic efforts to halt Iran's uranium enrichment program, and the President should fully implement and enforce the Iran Sanctions Act of 1996, as amended (Public Law 104–172) as a means of encouraging foreign governments to require state-owned and private entities to cease all investment in, and support of, Iran's energy sector and all exports of refined petroleum products to Iran.

(2) None of the funds appropriated or otherwise made available in this Act under the heading ''Export-Import Bank of the United States'' may be used by the Export-Import Bank of the United States to provide any new financing (including loans, guarantees, other credits, insurance, and reinsurance) to any person that is subject to sanctions under paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172).

(3) The reporting requirements in section 7043(c) in division F of Public Law 111–117 shall continue in effect during fiscal year 2012 as if part of this Act: *Provided*, That the date in subsecton (c)(1) shall be deemed to be ''September 31, 2012''.

(d) IRAQ.—

(1) Funds appropriated or otherwise made available by this Act for assistance for Iraq shall be made available in a manner that utilizes Iraqi entities to the maximum extent practicable, and in accordance with the Department of State's April 9, 2009 ''Guidelines for Government of Iraq Financial Participation in United States Government-Funded Civilian Foreign Assistance Programs and Projects''.

(2) None of the funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

(3) Funds appropriated or otherwise made available by this Act for security-related programs in Iraq may only be made available if the Secretary of State certifies to the Committees on Appropriations that the Government of Iraq has committed to contributing to, and sustaining, such programs, including details on the manner in which such contributions and sustainment will be achieved.

(4) Of the funds appropriated by this Act for assistance for Iraq under the heading ''Economic Support Fund'', not less than $10,000,000 shall be made available for programs and activities for which policy justifications and decisions shall be the responsibility of the United States Chief of Mission in Iraq.

(e) LEBANON.—

(1) None of the funds appropriated by this Act may be made available for assistance for the Government of Lebanon if such government is controlled by a foreign terrorist organization.

(2) Funds appropriated under the heading ''Foreign Military Financing Program'' in this Act for assistance for Lebanon may be made available only to professionalize the Lebanese Armed Forces and to strengthen border security and combat terrorism, including training and equipping the Lebanese Armed Forces to secure Lebanon's borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups, and to implement United Nations Security Council Resolution 1701: *Provided*, That funds may not be made available for obligation until the Secretary of State provides the Committees on Appropriations a detailed spending plan: *Provided further*, That such plan shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

(f) LIBYA.—

(1) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $20,000,000 should be made available to promote democracy, transparent and accountable governance, human rights, transitional justice, and the rule of law in Libya, and for exchange programs between Libyan and American students: *Provided*, That such funds shall be made available, to the maximum extent practicable, on a cost matching basis.

(2) None of the funds appropriated by this Act may be made available for assistance for Libya for the rehabilitation or reconstruction of infrastructure except on a loan basis with terms favorable to the United States, and only following consultation with the Committees on Appropriations.

(g) MOROCCO.—Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' for assistance for Morocco, $1,000,000 shall be withheld from obligation until the Secretary of State submits a report to the Committees on Appropriations on steps being taken by the Government of Morocco to—

(1) respect the right of individuals to peacefully express their opinions regarding the status and future of the Western Sahara and to document violations of human rights; and

(2) provide unimpeded access to human rights organizations, journalists, and representatives of foreign governments to the Western Sahara.

(h) SYRIA.—Notwithstanding any other provision of law, funds appropriated by this Act shall be made available to promote democracy and protect human rights in Syria: *Provided*, That a portion of such funds should be programmed in coordination with the Government of Turkey and other governments in the region, as appropriate.

AIRCRAFT TRANSFER AND COORDINATION

SEC. 7040. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Diplomatic and Consular Programs'', ''International Narcotics Control and Law Enforcement'', ''Andean Counterdrug Initiative'' and ''Andean Counterdrug Programs'' may be used for any other program and in any region, including for the transportation of active and standby Civilian Response Corps personnel and equipment during a deployment: *Provided*, That the responsibility for policy decisions and justification for the use of such transfer authority shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after a determination by the Secretary of State to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: *Provided*, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) AIRCRAFT COORDINATION.—

(1) The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development (USAID) with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: *Provided*, That such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting the Department of State and USAID programs and activities: *Provided further*, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis.

(2) The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

WESTERN HEMISPHERE

SEC. 7041. (a) CENTRAL AMERICA AND THE CARIBBEAN.—Funds appropriated by this Act shall be made available for the Central America Regional Security Initiative (CARSI) and for the Caribbean Basin Security Initiative (CBSI) to strengthen the capacity and professionalism of civilian law enforcement and judicial institutions.

(b) COLOMBIA.—

(1) ASSISTANCE.—

(A) Funds appropriated by this Act and made available to the Department of State for counter-narcotics or other law enforcement assistance for the Government of Colombia may be used to support a unified campaign against narcotics trafficking and organizations designated as Foreign Terrorist Organizations and successor organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided*, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: *Provided further*, That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, is used to aid or abet the operations of any illegal self-defense group, paramilitary organization, illegal security cooperative or successor organizations in Colombia, such helicopter shall be immediately returned to the United States: *Provided further*, That none of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the Colombian Departamento Administrativo de Seguridad (DAS) or successor organizations.

(B) None of the funds appropriated by this Act under the heading ''International Narcotics Control and Law Enforcement'' that are available for assistance for Colombia for the procurement of chemicals for aerial drug eradication may be made available unless the Secretary of State certifies to the Committees on Appropriations that any complaints of harm to health or licit crops caused by such aerial eradication are thoroughly investigated and evaluated, and fair compensation is paid in a timely manner for meritorious claims: *Provided further*, That the Secretary shall submit a report to the Committees on Appropriations not later than 6 months after enactment of this Act and 6 months thereafter detailing the complaints made during the previous 6 months, the investigations conducted, and the amount of compensation, if any: *Provided further*, That such funds may not be made available for such purposes unless voluntary eradication programs are not feasible and programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are targeted for aerial eradication: *Provided further*, That none of the funds appropriated by this Act for assistance for Colombia shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people: *Provided further*, That funds appropriated by this Act may not be used for aerial drug eradication in Colombia's national parks or reserves unless the Secretary of State certifies to the Committees on Appropriations that there are no effective alternatives and the eradication is in accordance with Colombian laws.

(2) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—

(A) IN GENERAL.—Except as provided in paragraph (2), the provisions of subsections (b) through (f) of section 7046 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8), as amended by section 7046 (b)(2)(A) of division F of Public Law 111–117, shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia.

(B) EXCEPTIONS.—The following provisions of section 7046 of division H of Public Law 111–8 shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia as follows:

(i) Subsection (b)(1)(B) is amended as follows:

(I) By striking clause (i) and inserting the following:

''(i) The Colombian Armed Forces are suspending those members, of whatever rank, who have been credibly alleged to have violated human rights, or to have aided, abetted

or benefitted from paramilitary organizations or successor armed groups; all such cases are promptly referred to civilian jurisdiction for investigation and prosecution, and the Colombian Armed Forces are no longer opposing civilian judicial jurisdiction in such cases; and the Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities.''.

(II) By striking clause (iv) and inserting the following:

''(iv) The Government of Colombia is respecting the rights of human rights defenders, journalists, trade unionists, and other social activists, and the rights and territory of indigenous and Afro-Colombian communities; and the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants, in their operations.''.

(ii) Subsection (b)(2) shall be applied by substituting ''July 31, 2012'' for the date contained therein;

(iii) Subsection (c) shall be applied by substituting ''September 30, 2012'' for the date contained therein; and

(iv) Subsection (d)(1) shall be applied by substituting ''fiscal year 2012'' for the fiscal year contained therein.

(C) REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing any United States funding, assistance or other support for the DAS, its officials, employees, affiliates and contractors during the period 2002 through 2010, including but not limited to training, equipment, information sharing, technical assistance, and facilities construction: *Provided*, That to the maximum extent possible the report shall be provided in unclassified form, but may also include a classified annex.

(c) GUATEMALA.—

(1) Of the funds appropriated in this Act under the heading ''International Narcotics Control and Law Enforcement'' not less than $5,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala (CICIG).

(2) Funds appropriated under the heading ''International Military Education and Training'' (IMET) that are available for assistance for the Guatemalan Army may only be made available for expanded IMET.

(3) None of the funds appropriated under the heading ''Foreign Military Financing Program'' may be made available for assistance for the Guatemalan Army, except that such funds may be made available for the Army Corps of Engineers only to improve disaster response capabilities and to participate in international peacekeeping operations.

(d) HAITI.—

(1) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(2) Funds appropriated under the heading ''Economic Support Fund'' in this Act and prior Acts that are made available for assistance for Haiti shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Haitian civil society organizations and directly improves the security, economic and social well-being, and political status, of Haitian women and girls.

(e) HONDURAS.—Funds appropriated by this Act that are available for assistance for police forces in Honduras may not be made available until the Secretary of State certifies to the Committees on Appropriations that the Government of Honduras is investigating, prosecuting, and punishing police officers who have violated human rights and the Honduran police are cooperating with civilian judicial authorities in such cases.

(f) MEXICO.—Funds appropriated by this Act that are available to support anti-crime and counter-narcotics efforts in Mexico shall be made available to strengthen the capacity of civilian law enforcement and judicial institutions.

(g) TRADE CAPACITY.—Of the funds appropriated by this Act, not less than $10,000,000 under the heading ''Development Assistance'' and not less than $10,000,000 under the heading ''Economic Support Fund'' shall be made available for labor and environmental capacity building activities relating to free trade agreements with countries of Central America, Peru and the Dominican Republic.

SERBIA

SEC. 7042. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2012, if the Secretary of State has submitted the report required in subsection (c).

(b) After May 31, 2012, the Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to support loans and assistance to the Government of Serbia subject to the condition in subsection (c).

(c) The report referred to in subsection (a) is a report by the Secretary of State to the Committees on Appropriations that the Government of Serbia is cooperating with the International Criminal Tribunal for the former Yugoslavia, including apprehending and transferring indictees and providing investigators access to witnesses, documents, and other information.

(d) This section shall not apply to humanitarian assistance or assistance to promote democracy.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7043. (a) AUTHORITY.—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address sexual and gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7044. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 7045. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING

SEC. 7046. (a) MISSIONS.—None of the funds appropriated or otherwise made available by title I of this Act may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless the President's military advisors have submitted to the President a recommendation that such involvement is in the national interests of the United States and the President has submitted to the Congress such a recommendation.

(b) ASSESSMENT.—Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by adding the following at the end:

''(vii) For assessments made during calendar year 2011 and 2012, 27.2 percent.''.

ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 7047. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations that such attendance is important to the national interest: *Provided*, That for purposes of this section the term ''international conference'' shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

RESTRICTIONS ON UNITED NATIONS DELEGATIONS

SEC. 7048. None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7049. The terms and conditions of section 7055 of division F of Public Law 111–117 shall apply to this Act: *Provided*, That the date ''September 30, 2009'' in subsection (f)(2)(B) shall be deemed to be ''September 30, 2011''.

LANDMINES AND CLUSTER MUNITIONS

SEC. 7050. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the Secretary of State may prescribe.

(b) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments; and

(2) the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7051. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided*, That not to exceed $25,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

LIMITATION ON RESIDENCE EXPENSES

SEC. 7052. Of the funds appropriated or made available pursuant to title II of this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 7053. (a) AUTHORITY.—Up to $93,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2013.

(c) CONDITIONS.—The authority of subsection (a) should only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other nondirect hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', are eliminated.

(d) PRIORITY SECTORS.—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical areas currently encumbered by contractor or other nondirect hire personnel.

(e) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate: *Provided*, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading ''Operating Expenses''.

(f) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(g) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural or man-made disasters.

(h) TECHNICAL ADVISORS.—Up to $13,500,000 of the funds made available in title III of this Act for assistance under the heading ''Global Health Programs'', may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by USAID for the purpose of carrying out activities under that heading: *Provided*, That up to $3,500,000 of the funds made available by this Act for assistance under the heading ''Development Assistance'' may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities.

(i) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That not more than 15 of such contractors shall be for activities related to USAID's Afghanistan or Pakistan programs: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(j) SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.—Individuals hired pursuant to the authority provided by section 7059(o) of division F of Public Law 111–117 may be assigned to or support programs in Iraq, Afghanistan, or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

GLOBAL HEALTH ACTIVITIES

SEC. 7054. (a) Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for global health activities including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for provisions under the heading ''Global Health Programs'' and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III of this Act, not less than $700,000,000 shall be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

(b) Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID) shall submit to the Committees on Appropriations a report on any cost savings that could be achieved by transitioning the function, role, and duties of the Office of the United States Global AIDS Coordinator into USAID.

(c) Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID) shall submit to the Committees on Appropriations a report on the status of the Quadrennial Diplomacy and Development Review (QDDR) decision to transition the leadership of the Global Health Initiative (GHI) to USAID, to include the following:

(1) The metrics developed to measure progress towards meeting each benchmark enumerated in Appendix 2 of the QDDR and the method utilized to develop such metrics;

(2) The status of, and estimated completion date for, meeting each benchmark; and

(3) An assessment of meeting the QDDR target date of September 2012 for transition of GHI to USAID, and if such assessment determines that the target date will not be met a detailed explanation of why it will not be met and a revised target date for the transition to be completed.

(d) Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to respond to pandemic outbreaks, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

DEVELOPMENT GRANTS PROGRAM

SEC. 7055. Of the funds appropriated in title III of this Act, not less than $45,000,000 shall be made available for the Development Grants Program established pursuant to section 674 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), primarily for unsolicited proposals, to support grants of not more than $2,000,000 to small nongovernmental organizations: *Provided*, That funds made available under this section are in addition to other funds available for such purposes including funds designated by this Act by section 7063.

PROGRAMS TO PROMOTE GENDER EQUALITY

SEC. 7056. (a) Programs funded under title III of this Act shall include, where appropriate, efforts to improve the status of women, including through gender considerations in the planning, assessment, implementation, monitoring and evaluation of such programs.

(b) Funds appropriated under title III of this Act shall be made available to support programs to expand economic opportunities for poor women in developing countries, including increasing the number and capacity of women-owned enterprises, improving property rights for women, increasing women's access to financial services and capital, enhancing the role of women in economic decisionmaking at the local, national and

international levels, and improving women's ability to participate in the global economy.

(c) Funds appropriated under title III of this Act shall be made available to increase political opportunities for women, including strengthening protections for women's personal status, increasing women's participation in elections, and enhancing women's positions in government and role in government decisionmaking.

(d) Funds appropriated under in title III of this Act for food security and agricultural development shall take into consideration the unique needs of women, and technical assistance for women farmers should be a priority.

(e) The Secretary of State, in consultation with the heads of other relevant Federal agencies, shall develop a National Action Plan in accordance with United Nations Security Council Resolution 1325 (adopted on October 31, 2000) to ensure the United States effectively promotes and supports the rights and roles of women in conflict-affected and post-conflict regions through clear, measurable commitments to—

(1) promote the active and meaningful participation of women in affected areas in all aspects of conflict prevention, management, and resolution;

(2) integrate the perspectives and interests of affected women into conflict-prevention activities and strategies;

(3) promote the physical safety, economic security, and dignity of women and girls;

(4) support women's equal access to aid distribution mechanisms and services; and

(5) monitor, analyze and evaluate implementation efforts and their impact.

(f) The Department of State and the United States Agency for International Development shall fully integrate gender into all diplomatic and development efforts through the inclusion of gender in strategic planning and budget allocations, and the development of indicators and evaluation mechanisms to measure the impact of United States policies and programs on women and girls in foreign countries.

GENDER-BASED VIOLENCE

SEC. 7057. (a) Funds appropriated under the headings ''Global Health Programs'', ''Development Assistance'', ''Economic Support Fund'', and ''International Narcotics Control and Law Enforcement'' in this Act shall be made available for sexual and gender-based violence prevention and response efforts, and funds appropriated under the headings ''International Disaster Assistance'', ''Complex Crises Fund'' and ''Migration and Refugee Assistance'' should be made available for such efforts.

(b) Programs and activities funded under titles III and IV of this Act to train foreign police, judicial, and military personnel, including for international peacekeeping operations, shall address, where appropriate, prevention and response to sexual and gender-based violence and trafficking in persons.

(c) Not later than 180 days after enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly submit to the Committees on Appropriations a multi-year strategy to prevent and respond to violence against women and girls in countries where it is common: *Provided*, That the strategy should reflect the input of local women's organizations in such countries and include achievable and sustainable goals, benchmarks for measuring progress, and expected results: *Provided further*, That the strategy should include regular engagement with men and boys as community leaders and advocates in ending violence against women and girls.

RECONCILIATION PROGRAMS

SEC. 7058. Of the funds appropriated by title III of this Act under the headings ''Economic Support Fund'' and ''Development Assistance'', $26,000,000 shall be made available to support people to people reconciliation programs which bring together individuals of different ethnic, religious and political backgrounds from areas of civil strife and war, of which $10,000,000 shall be made available for such programs in the Middle East: *Provided*, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds.

REQUESTS FOR DOCUMENTS

SEC. 7059. None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON USE OF TORTURE

SEC. 7060. (a) None of the funds made available in this Act may be used to support or justify the use of torture, cruel or inhumane treatment by any official or contract employee of the United States Government.

(b) Not later than 90 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report identifying those countries receiving United States assistance from funds appropriated by this Act whose police, military, or other security forces have been credibly alleged to use torture, as determined by the Assistant Secretary of State for Democracy, Human Rights and Labor based on the Department of State's most recent Human Rights Report and other relevant information.

(c) Funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to eliminate torture by foreign police, military or other security forces in countries identified in the report required in subsection (b).

AFRICA

SEC. 7061. (a) CONFLICT MINERALS.—

(1) None of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Rwanda or Uganda if the Secretary of State has credible evidence that the Government of Rwanda or the Government of Uganda is providing political, military or financial support to armed groups in the Democratic Republic of the Congo (DRC) that are involved in the illegal exportation of minerals out of the DRC or have violated human rights.

(2) The restriction in paragraph (1) shall not apply to assistance to improve border controls to prevent the illegal exportation of minerals out of the DRC by such groups, to protect relief efforts, or to support the training and deployment of members of the Rwandan or Ugandan militaries in international peacekeeping operations.

(b) COUNTER-TERRORISM PROGRAMS.—

(1) Of the funds appropriated by this Act, not less than $52,800,000 should be made available for the Trans-Sahara Counter-terrorism Partnership program, and not less than $21,300,000 should be made available for the Partnership for Regional East Africa Counter-terrorism program.

(2) In addition to such sums that may otherwise be made available, of the funds appropriated by this Act under the heading ''Economic Support Fund'', $10,000,000 shall be made available for programs to counter extremism in East Africa.

(3) Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations detailing—

(A) the United States Government's multi-year strategy for combating terrorism in Africa;

(B) the amount of funding provided, by account, to implement such a strategy, and a brief description of counter-terrorism programs implemented on a country-by-country basis;

(C) the mechanisms for coordinating such assistance between the Department of State, the United States Agency for International Development, and the Department of Defense, between the United States Government and other international donors, and between the United States Government and respective host governments; and

(D) the benchmarks for measuring the strengths and weaknesses in implementing such strategy.

(c) CRISIS RESPONSE.—Notwithstanding any other provision of law, up to $15,000,000 of the funds appropriated by this Act under the heading ''Global Health Programs'' for HIV/AIDS activities may be transferred to, and merged with, funds appropriated under the headings ''Complex Crises Fund'', ''International Disaster Assistance'', ''Economic Support Fund'', and ''Migration and Refugee Assistance'' to respond to unanticipated crises in Africa, except that funds shall not be transferred unless the Secretary of State certifies to the Committees on Appropriations that no individual currently on anti-retroviral therapy supported by such funds shall be negatively impacted by the transfer of such funds: *Provided*, That the authority of this subsection shall be subject to prior consultation with the Committees on Appropriations.

(d) EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) Funds appropriated under the heading ''International Military Education and Training'' (IMET) in this Act that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Guinea and Zimbabwe may be made available only for expanded IMET.

(2) None of the funds appropriated under the heading ''International Military Education and Training'' in this Act may be made available for assistance for Equatorial Guinea or Somalia.

(e) ETHIOPIA.—

(1) Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are available for assistance for Ethiopia shall not be made available unless the Secretary of State—

(A) certifies to the Committees on Appropriations that the Government of Ethiopia is implementing policies to respect due process and freedoms of expression and association, and is permitting access to human rights and humanitarian organizations to the Somalia region of Ethiopia; and

(B) submits a report to such Committees on the types and amounts of United States training and equipment proposed to be provided to the Ethiopian military including steps that will be taken to ensure that such assistance is not provided to military units or personnel that have violated human rights, and steps taken by the Government of Ethiopia to investigate and prosecute members of the Ethiopian military who have been credibly alleged to have violated such rights.

(2) The restriction in paragraph (1) shall not apply to assistance to Ethiopian military efforts in support of international

peacekeeping operations and for assistance to the Ethiopian Defense Command and Staff College.

(f) THE GAMBIA.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to vote against any loan, agreement, or other financial support for the Gambia, except to meet basic human needs, unless the Secretary of State certifies to the Committees on Appropriations that the Government of the Gambia is taking effective steps to release and account for political prisoners.

(g) KENYA.—Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are available for assistance for Kenya should not be made available unless a thorough, credible investigation has been conducted of alleged crimes by Kenyan soldiers at Mount Elgon in March 2008, and the responsible individuals are being brought to justice.

(h) SUDAN LIMITATION ON ASSISTANCE.—

(1) Subject to paragraph (2):

(A) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan unless the Secretary of State certifies to the Committees on Appropriations that such government—

(i) has lifted the state of emergency in Darfur;

(ii) is cooperating with and participating in good faith in an internationally recognized peace process for Darfur;

(iii) is permitting access and freedom of movement for the United Nations/African Union Hybrid Mission in Darfur and the delivery of humanitarian assistance in Darfur, and is respecting international humanitarian law;

(iv) is not engaging in provocative military operations within Sudan or cross-border destabilization; and

(v) has reached a mutually acceptable agreement with the Republic of South Sudan regarding the status of Abyei and other outstanding issues related to implementation of the Comprehensive Peace Agreement (CPA), including matters related to oil revenues and the transit of oil.

(B) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(2) The limitations of paragraph (1) shall not apply to—

(A) humanitarian assistance;

(B) assistance for the Darfur region, Southern Kordofan, Blue Nile, White Nile, Sennar, other marginalized areas in Sudan, and the Abyei area; and

(C) assistance to support implementation of the CPA, mutually agreed upon arrangements related to post-referendum issues associated with the CPA, or to promote peace and stability between Sudan and the Republic of South Sudan, or any other internationally recognized viable peace agreement in Sudan.

(i) SOUTH SUDAN.—

(1) Funds appropriated by this Act should be made available for assistance for South Sudan including to increase agricultural productivity, expand educational opportunities especially for girls, strengthen democratic institutions and the rule of law, and enhance the capacity of the Federal Legislative Assembly to conduct oversight over government revenues and expenditures.

(2) Not less than 15 days prior to the obligation of funds appropriated by this Act that are available for assistance for the Government of South Sudan, the Secretary of State shall submit a report to the Committees on Appropriations detailing the extent to which the Government of South Sudan is—

(A) supporting freedom of expression, the establishment of democratic institutions including an independent judiciary, parliament, and security forces that are accountable to civilian authority; and

(B) investigating and punishing members of security forces who have violated human rights.

(3) The Secretary of State shall seek to obtain regular audits of the financial accounts of the Government of South Sudan to ensure transparency and accountability of funds, including revenues from the extraction of oil and gas, and the timely, public disclosure of such audits: *Provided*, That the Secretary should assist the Government of South Sudan in conducting such audits, and by providing technical assistance to enhance the capacity of the National Auditor Chamber to carry out its responsibilities, and shall submit a report not later than 90 days after enactment of this Act to the Committees on Appropriations detailing the steps that will be taken by the Government of South Sudan, which are additional to those taken in the previous fiscal year, to improve natural resource management and ensure transparency and accountability of funds.

(j) UGANDA.—Of the funds appropriated by this Act under the headings ''Development Assistance'' and ''International Narcotics Control and Law Enforcement'', not less than $1,000,000 shall be made available to improve physical access, telecommunications infrastructure, and early-warning mechanisms in areas affected by the Lord's Resistance Army (LRA), and not less than $1,000,000 shall be made available to support the disarmament, demobilization and reintegration of former LRA combatants, especially child soldiers.

(k) WAR CRIMES IN AFRICA.—

(1) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(2) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance for the central government of a country in which individuals indicted by the ICTR and the SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with the ICTR and the SCSL, including the apprehension, surrender, and transfer of indictees in a timely manner: *Provided*, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title VI of this Act: *Provided further*, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by the ICTR and the SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(3) The prohibition in paragraph (2) may be waived on a country-by-country basis if the President determines that doing so is in the national security interest of the United States: *Provided*, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on—

(A) the steps being taken to obtain the cooperation of the government in apprehending and surrendering the indictee in question to the court of jurisdiction;

(B) a strategy, including a timeline, for bringing the indictee before such court; and

(C) the justification for exercising the waiver authority.

(l) ZIMBABWE.—

(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loans or grants to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health, education, and macroeconomic growth assistance, unless the Secretary of State makes the determination required in paragraph (1).

ASIA

SEC. 7062. (a) TIBET.—

(1) The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, not less than $7,500,000 of the funds appropriated by this Act under the heading ''Economic Support Fund'' should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

(b) BURMA.—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to vote against any loan, agreement, or other financial support for Burma.

(2) Funds appropriated by this Act may be made available for assistance for Burma notwithstanding any other provision of law, except no such funds shall be made available to the State Peace and Development Council, or its successor, and its affiliated organizations: *Provided*, That such funds shall be made available to support programs in Burma, along Burma's borders, and for Burmese groups and organizations located outside Burma: *Provided further*, That not less than $5,000,000 shall be made available for community-based organizations operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma, in addition to assistance for Burmese refugees appropriated under the heading ''Migration and Refugee Assistance'' in this Act: *Provided further*, That any new program or activity initiated with funds made available by this Act shall be subject to prior consultation with the Committees on Appropriations, and all such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) CAMBODIA.—Funds made available in this Act for a United States contribution to a Khmer Rouge tribunal may only be made

available if the Secretary of State certifies to the Committees on Appropriations that the United Nations and the Government of Cambodia are taking effective steps to address allegations of corruption and mismanagement within the tribunal.

(d) INDONESIA.—

(1) Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are available for assistance for Indonesia, $2,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on Indonesia required under such heading in the report accompanying this Act.

(2) Of the funds appropriated by this Act under the heading ''Economic Support Fund'' that are available for assistance for Indonesia, not less than $400,000 should be made available for grants for capacity building of Indonesian human rights organizations, including in Papua.

(e) PEOPLE'S REPUBLIC OF CHINA.—

(1) None of the funds appropriated under the heading ''Diplomatic and Consular Programs'' in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(2) The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the People's Republic of China, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided*, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(3) Notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, of the funds appropriated under the heading ''Economic Support Fund'', not less than $20,000,000 shall be made available to United States institutions of higher education and nongovernmental organizations for programs and activities in the People's Republic of China relating to democracy, governance, rule of law, and the environment.

(f) PHILIPPINES.—Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are available for assistance for the Philippines, $3,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on the Philippines required under such heading in the report accompanying this Act.

(g) TIMOR-LESTE.—Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $1,000,000 shall be made available for higher education scholarships in Timor-Leste.

(h) VIETNAM.—Of the funds appropriated under the heading ''Economic Support Fund'', not less than $15,000,000 shall be made available for remediation of dioxin contaminated sites in Vietnam and may be made available for assistance for the Government of Vietnam, including the military, for such purposes, and not less than $5,000,000 under the heading ''Development Assistance'' shall be made available for related health/disability activities.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7063. (a) None of the funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' may be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act, unless the Secretary of State determines that to do so is in the national security interests of the United States.

(b) Funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' for the Russian Federation, Armenia, Azerbaijan, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or nonproliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

CENTRAL ASIA

SEC. 7064. The terms and conditions of sections 7075(a) through (d) and 7076(a) through (e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated by this Act, except that the Secretary of State may waive the application of section 7076(a) for a period of not more than 6 months and every 6 months thereafter until September 30, 2013, if the Secretary certifies to the Committees on Appropriations that the waiver is in the national security interest and necessary to obtain access to and from Afghanistan for the United States, and the waiver includes an assessment of progress, if any, by the Government of Uzbekistan in meeting the requirements in section 7076(a): *Provided*, That the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations not later than 180 days after enactment of this Act and 12 months thereafter, on all United States Government assistance provided to the Government of Uzbekistan and expenditures made in support of the Northern Distribution Network in Uzbekistan, including any credible information that such assistance or expenditures are being diverted for corrupt purposes: *Provided further*, That information provided in the report required by the previous proviso may be provided in a classified annex and such annex shall indicate the basis for such classification: *Provided further*, That for the purposes of the application of section 7075(c) to this Act, the report shall be submitted not later than October 1, 2012 and for the purposes of the application of section 7076(e) to this Act, the term ''assistance'' shall not include expanded international military education and training.

SOUTH ASIA

SEC. 7065. (a) AFGHANISTAN.—

(1) LIMITATION.—None of the funds appropriated or otherwise made available by this Act under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' may be obligated for assistance for the Government of Afghanistan until the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), certifies and reports to the Committees on Appropriations that—

(A) The funds will be used to support programs and activities that can be sustained by Afghan national, provincial or local governments.

(B) The Government of Afghanistan is—

(i) reducing corruption and improving governance, including by investigating, prosecuting, sanctioning and/or removing corrupt officials from office and implementing financial transparency and accountability measures for government institutions and officials (including the Central Bank) as well as conducting oversight of public resources; and

(ii) taking credible steps to protect the human rights of Afghan women.

(C) Funds will be used to support and strengthen the capacity of Afghan public and private institutions and entities to reduce corruption and to improve transparency and accountability of national, provincial and local governments.

(D) Representatives of Afghan national, provincial or local governments, and local communities and civil society organizations, including women-led organizations, will be consulted and participate in the design of programs, projects, and activities, including participation in implementation and oversight, and the development of specific benchmarks to measure progress and outcomes.

(2) DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

(A) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may not be made available for direct government-to-government assistance unless the Secretary of State certifies to the Committees on Appropriations that the relevant Afghan implementing agency has been assessed and considered qualified to manage such funds and the Government of the United States and the Government of Afghanistan have agreed, in writing, to achievable and sustainable goals, benchmarks for measuring progress, and expected results for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended: *Provided*, That the assessment procedures of the Department of State and USAID shall be standardized and provide reasonable assurance of detecting significant vulnerabilities that could result in the waste or misuse of United States funds: *Provided further*, That the Secretary of State should suspend any direct government-to-government assistance to an implementing agency if the Secretary has credible information of misuse of such funds by any such agency: *Provided further*, That any such assistance shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(B) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may be made available as a United States contribution to the Afghanistan Reconstruction Trust Fund (ARTF) unless the Secretary of State determines and reports to the Committees on Appropriations that the World Bank Monitoring Agent of the ARTF is unable to conduct its financial control and audit responsibilities due to restrictions on

security personnel by the Government of Afghanistan.

(3) ASSISTANCE AND OPERATIONS.—

(A) Funds appropriated under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' in this Act that are available for assistance for Afghanistan—

(i) shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Afghan women, and directly improves the security, economic and social well-being, and political status, and protects the rights of, Afghan women and girls and complies with sections 7056 and 7057 of this Act, including support for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and women-led organizations.

(ii) may be made available for a United States contribution to an internationally managed fund to support the reconciliation with and disarmament, demobilization and reintegration into Afghan society of former combatants who have renounced violence against the Government of Afghanistan: *Provided,* That funds may be made available to support reconciliation and reintegration activities only if:

(I) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the human rights of Afghan women; and

(II) such funds will not be used to support any pardon or immunity from prosecution, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or acts of terrorism;

(iii) may be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund; and

(iv) may be made available, notwithstanding any provision of law that restricts assistance to foreign countries, for cross border stabilization and development programs between Afghanistan and Pakistan or between either country and the Central Asian republics.

(B) The authority contained in section 1102(c) of Public Law 111–32 shall continue in effect during fiscal year 2012 and shall apply as if part of this Act.

(C)(i) Of the funds appropriated by this Act that are made available for assistance for Afghanistan, not less than $75,000,000 shall be made available for rule of law programs: *Provided*, That decisions on the uses of such funds shall be the responsibility of the Coordinator for Rule of Law, in consultation with the Interagency Planning and Implementation Team, at the United States Embassy in Kabul, Afghanistan: *Provided further,* That $250,000 of such funds shall be transferred to, and merged with, funds appropriated under the heading ''Office of Inspector General'' in title I of this Act for oversight of such programs and activities.

(ii) The Coordinator for Rule of Law at the United States Embassy in Kabul, Afghanistan shall be consulted on the use of all funds appropriated by this Act for rule of law programs in Afghanistan.

(D) None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(E) Any significant modification to the scope, objectives or implementation mechanisms of United States assistance programs in Afghanistan shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived in a manner consistent with section 7015(e) of this Act.

(F) None of the funds appropriated by this Act under the heading ''Economic Support Fund'' may be made available for transportation infrastructure in Afghanistan unless the Secretary of State reports to the Committees on Appropriations that the Government of Afghanistan has established a standardized rail gauge consistent with that utilized by Central Asian states, including Uzbekistan: *Provided*, That the Secretary of State may waive the requirement of this paragraph if the Secretary of State reports to the Committees on Appropriations that to do so is important to the national security interests of the United States.

(G) Not later than 90 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations whether an International Monetary Fund (IMF) country program for Afghanistan has been established: *Provided,* That if such program has not been established by that date, the report required by this paragraph shall include specific actions requested by the IMF, and taken by the Government of Afghanistan, to address the Kabul Bank crisis and restore confidence in Afghanistan's banking sector.

(4) OVERSIGHT.—

(A) The Special Inspector General for Afghanistan Reconstruction, the Inspector General of the Department of State and the Inspector General of USAID, shall jointly develop and submit to the Committees on Appropriations within 45 days of enactment of this Act a coordinated audit and inspection plan of United States assistance for, and civilian operations in, Afghanistan.

(B) The USAID Administrator should provide for independent, transparent evaluations of assistance programs and activities in Afghanistan which exceed $25,000,000.

(b) NEPAL.—

(1) Funds appropriated by this Act under the headings ''Foreign Military Financing Program'' and ''Peacekeeping Operations'' may be made available for assistance for Nepal only if the Secretary of State certifies to the Committees on Appropriations that the Nepal Army is—

(A) cooperating fully with investigations and prosecutions by civilian judicial authorities of violations of human rights; and

(B) working constructively to redefine the Nepal Army's mission and adjust its size accordingly, implement reforms including strengthening the capacity of the civilian ministry of defense to improve budget transparency and accountability, and facilitate the integration of former rebel combatants into the security forces including the Nepal Army, consistent with the goals of reconciliation, peace and stability.

(2) The conditions in paragraph (1) shall not apply to assistance for humanitarian relief and reconstruction activities in Nepal.

(c) PAKISTAN.—

(1) DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—Funds appropriated by this Act for assistance for Pakistan may be made available for direct government-to-government assistance only if the Secretary of State certifies to the Committees on Appropriations that the Government of the United States and the Government of Pakistan have agreed, in writing, to achievable and sustainable goals, benchmarks for measuring progress, and expected results for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended: *Provided,* That the Secretary of State should suspend any direct government-to-government assistance to an implementing agency if the Secretary has credible information of misuse of such funds by any such agency: *Provided further,* That funds made available pursuant to this subparagraph shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(2) INFRASTRUCTURE PROJECTS.—Funds appropriated under the heading ''Economic Support Fund'' in this Act that are made available for assistance for infrastructure projects in Pakistan shall be implemented in a manner consistent with section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)).

(3) MILITARY ASSISTANCE.—Funds appropriated by this Act under the headings ''Foreign Military Financing Program'' and ''Pakistan Counter-insurgency Capability Fund'' that are available for assistance for Pakistan may be made available only to support counter-terrorism and counter-insurgency operations in Pakistan, and are subject to section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(4) CERTIFICATION AND REPORT.—

(A) CERTIFICATION.—

(i) Prior to the obligation of funds in titles III and IV and under the heading ''Pakistan Counter-Insurgency Capability Fund'' in this Act for assistance for the Government of Pakistan, the Secretary of State shall certify to the Committees on Appropriations that the Government of Pakistan is—

(I) cooperating with the United States in efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Al Qaeda and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from operating in Pakistan and carrying out cross border attacks into neighboring countries;

(II) not impeding the issuance of visas for United States visitors engaged in counterterrorism efforts and assistance programs, in Pakistan; and

(III) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

(ii) The Secretary of State may waive the requirements of paragraph (i) if to do so is in the national security interests of the United States.

(B) REPORT.—The spend plan required by section 7083 of this Act for assistance for Pakistan shall include achievable and sustainable goals, benchmarks for measuring progress, and expected results regarding furthering the development of Pakistan, countering extremism, and establishing conditions conducive to the rule of law and accountable governance: *Provided*, That not later than 6 months after submission of such spend plan, and each 6 months thereafter until September 30, 2013, the Secretary of State shall submit a report on the status of achieving the goals and benchmarks in the spend plan: *Provided further,* That the Secretary of State should suspend assistance for the Government of Pakistan if any such report indicates that Pakistan is failing to make measurable progress in meeting any such goal or benchmark.

(5) PRECURSOR CHEMICALS.—Funds appropriated under the heading ''Economic Support Fund'' that are available for assistance for Pakistan should be made available to stop the flow of precursor materials used to manufacture Improvised Explosive Devices, including calcium ammonium nitrate, from Pakistan to Afghanistan, including programs to train border and customs officials in Pakistan and Afghanistan as well as agricultural extension programs that encourage alternative fertilizers among Pakistani farmers.

(6) HUMAN RIGHTS AND DEMOCRACY.—Of the funds appropriated under the heading ''Economic Support Fund'' in this Act for assistance for Pakistan $5,000,000 shall be made available through the Bureau of Democracy, Human Rights and Labor, Department of State, for human rights and democracy programs in Pakistan, including training of government officials and security forces, and assistance for human rights organizations and the development of democratic political parties.

(7) CHIEF OF MISSION.—Of the funds appropriated under the heading ''Economic Support Fund'' in this Act for assistance for Pakistan, up to $10,000,000 may be made available to the Chief of Mission to address unanticipated humanitarian needs: *Provided,* That such funds shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived in a manner consistent with section 7015(e) of this Act.

(d) SRI LANKA.—

(1) None of the funds appropriated by this Act under the headings ''Foreign Military Financing Program'' and ''Peacekeeping Operations'' may be made available for assistance for Sri Lanka, no defense export license may be issued, and no military equipment or technology shall be sold or transferred to Sri Lanka pursuant to the authorities contained in this Act or any other Act, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is—

(A) conducting credible, thorough investigations of alleged war crimes and violations of international humanitarian law by government forces and the Liberation Tigers of Tamil Eelam;

(B) bringing to justice individuals who have been credibly alleged to have committed such violations;

(C) supporting and cooperating with any United Nations investigation of alleged war crimes and violations of international humanitarian law;

(D) respecting due process, the rights of journalists, and the rights of citizens to peaceful expression and association, including ending arrest and detention under emergency regulations;

(E) providing access to detainees by humanitarian organizations; and

(F) implementing policies to promote reconciliation and justice including devolution of power as provided for in the Constitution of Sri Lanka.

(2) Paragraph (2) shall not apply to assistance for humanitarian demining and aerial and maritime surveillance.

(3) If the Secretary makes the certification required in paragraph (2), funds appropriated under the heading ''Foreign Military Financing Program'' that are made available for assistance for Sri Lanka should be used to support the recruitment and training of Tamils into the Sri Lankan military, Tamil language training for Sinhalese military personnel, and human rights training for all military personnel.

(4) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to vote against any loan, agreement, or other financial support for Sri Lanka except to meet basic human needs, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is meeting the requirements in paragraph (2)(D), (E), and (F) of this subsection.

ENTERPRISE FUNDS

SEC. 7066. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available under titles III through VI of this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities and shall be subject to the regular notification procedures of the Committees on Appropriations.

OVERSEAS PRIVATE INVESTMENT CORPORATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 7067. (a) Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided,* That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: *Provided further,* That designated funding levels in this Act shall not be transferred pursuant to this section: *Provided further,* That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect.

EXTRADITION

SEC. 7068. (a) None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings ''International Narcotics Control and Law Enforcement'', ''Migration and Refugee Assistance'', ''Emergency Migration and Refugee Assistance'', and ''Nonproliferation, Anti-terrorism, Demining and Related Assistance'') for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.

CLIMATE CHANGE AND ENVIRONMENT PROGRAMS

SEC. 7069. (a) IN GENERAL.—Of the funds appropriated by this Act, up to $1,250,000,000 may be made available for programs and activities to—

(1) reduce, mitigate, and sequester greenhouse gases that contribute to global climate change;

(2) support climate change adaptation; and

(3) protect biodiversity, including wildlife, tropical forests, and other critical landscapes.

(b) USES OF CLEAN ENERGY FUNDING.—Funds appropriated by this Act under the headings ''Development Assistance'', ''Economic Support Fund'', and ''Assistance for Europe, Eurasia and Central Asia'' for clean energy programs and activities, may be made available only to support and promote the sustainable use of renewable energy technologies and end-use energy efficiency technologies, carbon sequestration, and carbon accounting.

(c) TROPICAL FOREST PROGRAMS.—Funds appropriated under title III of this Act for tropical forest programs shall be used to protect biodiversity, including not less than $2,000,000 to implement and enforce section 8204 of Public Law 110–246, shall not be used to support or promote the expansion of industrial scale logging into primary tropical forests, and shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided,* That of the funds that are available for the Central African Regional Program for the Environment (CARPE) and other tropical forest programs in the Congo Basin, not less than $9,000,000 shall be apportioned directly to the United States Fish and Wildlife Service to implement such programs: *Provided further,* That not less than $10,000,000 shall be made available for biodiversity conservation programs in the Brazilian Amazon, not less than $15,000,000 shall be made available for such programs in the Andean Amazon, and not less than $1,000,000 shall be apportioned directly to the Department of the Interior for programs in the Guatemala Mayan Biosphere Reserve.

(d) AUTHORITY.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law except for the provisions of this section and subject to the regular notification procedures of the Committees on Appropriations, to support climate change and environment programs.

(e) CONSULTATION.—Funds made available pursuant to this section are subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(f) EXTRACTION OF NATURAL RESOURCES.—

(1) Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the extraction of natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative, section 8204 of Public Law 110–246, and the Kimberley Process Certification Scheme, and by providing technical assistance to promote independent audit mechanisms and support civil society participation in natural resource management.

(2)(A) The Secretary of the Treasury shall inform the managements of the international financial institutions and post on the Department of the Treasury's Web site that it is the policy of the United States to vote against any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of a natural resource if the government of the country has in place laws or regulations to prevent or limit the public disclosure of company payments as required by section 1504 of Public Law 111–203, and unless such government has in place functioning systems in the sector in which assistance is being considered for:

(i) accurately accounting for and public disclosure of payments to the host government by companies involved in the extraction and export of natural resources;

(ii) the independent auditing of accounts receiving such payments and public disclosure of the findings of such audits;

(iii) public disclosure of such documents as Host Government Agreements, Concession

Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(B) The requirements of subparagraph (A) shall not apply to assistance for the purpose of building the capacity of such government to meet the requirements of this paragraph.

(C) Not later than 180 days after enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of natural resources in the preceding 12 months, whether each institution considered, in providing such assistance, the extent to which the country has functioning systems, laws or regulations in place to prevent or limit disclosure of company payments as described in subparagraph (A).

(3) The Secretary of the Treasury or the Secretary of State, as appropriate, shall instruct the United States executive director of each international financial institution and the United States representatives to all forest-related multilateral financing mechanisms and processes, that it is the policy of the United States to vote against the expansion of industrial scale logging into primary tropical forests.

(g) CLEAN TECHNOLOGY FUND.—

(1) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2011, up to $350,000,000 is authorized to be appropriated for a United States contribution to the Clean Technology Fund (the Fund).

(2) LIMITS ON COUNTRY ACCESS.—The Secretary of the Treasury shall use the voice and vote of the United States to ensure that—

(A) the Fund does not provide more than 15 percent of Fund resources to any one country;

(B) prior to the obligation of funds from the Fund to a recipient country, recipient countries shall submit to the governing body of the Fund, and the governing body of the Fund appropriately reviews and considers, an investment plan that will achieve significant net reductions in national-level greenhouse gas emissions;

(C) the investment plan for a recipient country, whose borrowing status is classified by the World Bank as ''International Development Association blend'', shall have at least 15 percent of its total cost for public sector activities contributed from the public funds of the recipient country, and any recipient country whose borrowing status is classified by the World Bank as ''International Bank for Reconstruction and Development Only'' status, shall have at least 25 percent of its total cost for public sector activities contributed from public funds of the recipient country; and

(D) assistance made available by the Fund is used exclusively to support the deployment of clean energy technologies in developing countries (including, where appropriate, through the provision of technical support or support for policy or institutional reforms) in a manner that achieves substantial net reductions in greenhouse gas emissions.

(3) DEFINITIONS.—For purposes of this subsection the definitions contained in section 7081(g)(4) of division F of Public Law 111–117 shall apply to this Act, except that ''Public Sector Activities'' shall mean ''Public Funds''.

PROHIBITION ON PROMOTION OF TOBACCO

SEC. 7070. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 7071. The second sentence of section 23(a) of the Arms Export Control Act, as amended, (Public Law 96–29) is further amended by striking ''and Egypt'' and inserting '', Egypt, and NATO and major non-NATO allies''.

INTERNATIONAL PRISON CONDITIONS

SEC. 7072. (a) Not later than 180 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report, which shall also be made publicly available including on the Department of State's Web site, describing the conditions in prisons and other detention facilities in at least 30 countries receiving United States assistance, of which 15 countries shall be selected based on the Secretary's determination that such conditions raise the most serious human rights or humanitarian concerns, and 15 countries shall be selected at random.

(b) For purposes of each determination made pursuant to subsection (a), the Secretary shall consider the criteria listed in section 7085(b)(1 through 10) of division F of Public Law 111–117.

(c) Funds appropriated by this Act to carry out the provisions of chapters 1 and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to eliminate inhumane conditions in foreign prisons and other detention facilities.

TRANSPARENCY, ACCOUNTABILITY AND ANTI-KLEPTOCRACY

SEC. 7073. (a) UNITED NATIONS.—

(1) The Secretary of State, following consultation with the Committees on Appropriations, may withhold from obligation funds appropriated under the heading ''International Organizations and Programs'' for a United States contribution to a United Nations organization or agency if the Secretary determines that such organization or agency is not taking adequate steps to increase transparency and accountability.

(2) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing steps taken by the Global Fund to Fight AIDS, Tuberculosis, and Malaria (the Global Fund) to:

(A) maintain and adopt, as necessary, policies and practices to ensure transparency of expenditures, including the authority of the Global Fund Office of Inspector General (OIG) to publish OIG reports on a public Web site without restriction;

(B) ensure that the OIG has the necessary staff, budget, independence, and authority to perform functions consistent with its mandate, Charter and Terms of Reference, such as programmatic audits and evaluations, financial audits, and investigations of alleged misuse, misappropriation and fraud involving any Global Fund grant resources; and

(C) ensure that the Inspector General reports directly to the Global Fund Board without interference.

(3) Of the funds appropriated under the heading ''Contributions for International Peacekeeping Activities'' in this Act, 10 percent should not be obligated until the Secretary of State reports to the Committees on Appropriations that the United Nations Secretariat and the governments of countries providing troops for peacekeeping missions have procedures and agreements to ensure that allegations of sexual abuse or other serious crimes by peacekeeping troops will be credibly and thoroughly investigated and the perpetrators brought to justice, and that information about such cases will be made publicly available and regularly updated in the country where the alleged crime occurred and on the United Nations' Web site.

(4) Of the funds appropriated under title I of this Act that are available for payments to the regular budgets of the United Nations and the Organization of American States, and of the funds appropriated under the heading ''International Organizations and Programs'' in this Act that are available for contributions to United Nations agencies, 10 percent should not be obligated for any such organization until the Secretary of State reports to the Committees on Appropriations that the organization is implementing effective practices to protect whistleblowers (including the organization's employees and others affected by the organization's operations) from retaliation for internal and lawful public disclosures, including—

(A) best practices for legal burdens of proof;

(B) access to independent adjudicative bodies, including external arbitration based on consensus selection and shared costs;

(C) results that eliminate the effects of proven retaliation;

(D) a minimum of a 6-month statute of limitations for reporting retaliation; and

(E) the option of making external disclosures in certain instances, in accordance with standards adopted by the United Nations Secretariat on December 19, 2005.

(5) Of the funds appropriated under the heading ''International Organizations and Programs'' in this Act that are available for a contribution to the United Nations Development Program (UNDP), 10 percent should not be obligated until the Secretary of State reports to the Committees on Appropriations that the UNDP's management is taking the necessary steps to demonstrate UNDP's commitment to make all audit, oversight, and financial information publicly available as soon as possible, and to put in place procedures for publicly reporting on the results of UNDP programs worldwide.

(6) Notwithstanding any other provision of law, the Secretary of State should suspend United States participation in the United Nations Human Rights Council (the Council) unless the Secretary determines and reports to the Committees on Appropriations that continued participation in the Council is in the national interests of the United States.

(b) INTERNATIONAL MONETARY FUND.—

(1) The terms and conditions of section 7086(b)(1) and (2) of division F of Public Law 111–117 shall apply to this Act.

(2) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private creditors.

(3) The Secretary of the Treasury shall seek to ensure that the IMF has adopted and is implementing effective practices to protect whistleblowers (including the IMF's employees, contract employees, consultants, staff of the Board of Executive Directors, and others affected by the IMF's operations) from retaliation for internal and lawful public disclosures, including—

(A) best practices for legal burdens of proof;

(B) access to independent adjudicative bodies, including external arbitration based on consensus selection and shared costs;

(C) results that eliminate the effects of proven retaliation; and

(D) a minimum of a 6-month statute of limitations for reporting retaliation.

(c) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

(1) LIMITATION ON FUNDING.—None of the funds appropriated under titles III and IV of this Act may be made available to the central government of any country that does not meet minimum standards of fiscal transparency: *Provided*, That the Secretary of State shall develop ''minimum standards of fiscal transparency'' to be updated and strengthened, as appropriate, to reflect best practices: *Provided further*, That the Secretary shall make an annual determination of ''progress'' or ''no progress'' for countries that do not meet minimum standards of fiscal transparency and make those determinations publicly available on an annual ''Fiscal Transparency Report''.

(2) MINIMUM STANDARDS OF FISCAL TRANSPARENCY.—For the purposes of paragraph (1), ''minimum standards of fiscal transparency'' shall include standards for the public disclosure of budget documentation, including receipts and expenditures by ministry, and government contracts and licenses for natural resource extraction, to include bidding and concession allocation practices.

(3) WAIVER.—The Secretary of State may waive the limitation on funding in paragraph (1) on a country-by-country basis if the Secretary reports to the Committees on Appropriations that the waiver is important to the national interests of the United States: *Provided*, That such waiver shall identify any steps taken by the government of the country to publicly disclose its national budget and contracts which are additional to those which were undertaken in previous fiscal years, include specific recommendations of short and long-term steps such government can take to improve budget transparency, and identify benchmarks for measuring progress.

(4) ASSISTANCE.—Of the funds appropriated under title III of this Act, not less than $5,000,000 should be made available for programs and activities to assist the central governments of countries named in the list required by paragraph (1) to improve budget transparency or to support civil society organizations in such countries that promote budget transparency: *Provided*, That such sums shall be in addition to funds otherwise made available for such purposes.

(d) ANTI-KLEPTOCRACY.—

(1) Officials of foreign governments and their immediate family members who the Secretary of State has credible information have been involved in significant corruption, including corruption related to the extraction of natural resources, shall be ineligible for entry into the United States.

(2) Individuals shall not be ineligible if entry into the United States would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement: *Provided*, That nothing in this provision shall be construed to derogate from United States Government obligations under applicable international agreements.

(3) The Secretary may waive the application of paragraph (1) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances which caused the individual to be ineligible have changed sufficiently.

(4) Not later than 90 days after enactment of this Act and 180 days thereafter, the Secretary of State shall submit a report, in classified form if necessary, to the Committees on Appropriations describing the information regarding corruption concerning each of the individuals found ineligible pursuant to paragraph (1), a list of any waivers provided under subsection (3), and the justification for each waiver.

DISABILITY PROGRAMS

SEC. 7074. (a) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $5,000,000 shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, and integration of individuals with disabilities, including for the cost of translation, of which up to $1,000,000 shall be made available to support disability advocacy organizations to provide training and technical assistance for disabled persons organizations in such countries.

(b) Funds appropriated under the heading ''Operating Expenses'' in title II of this Act shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal participation of people with disabilities in developing countries.

(c) The Secretary of State, the Secretary of the Treasury, and the USAID Administrator shall seek to ensure that, where practicable, construction projects funded by this Act are accessible to people with disabilities and in compliance with the USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight, and technical support.

BUYING POWER MAINTENANCE, INTERNATIONAL ORGANIZATIONS

SEC. 7075. (a) There may be established in the Treasury of the United States a ''Buying Power Maintenance, International Organizations'' account.

(b) At the end of each fiscal year, the Secretary of State may transfer to, and merge with, ''Buying Power Maintenance, International Organizations'' such amounts from ''Contributions to International Organizations'' as the Secretary determines are in excess of the needs of activities funded from ''Contributions to International Organizations'' because of fluctuations in foreign currency exchange rates.

(c) In order to offset adverse fluctuations in foreign currency exchange rates, the Secretary of State may transfer to, and merge with, ''Contributions to International Organizations'' such amounts from ''Buying Power Maintenance, International Organizations'' as the Secretary determines are necessary to provide for the activities funded from ''Contributions to International Organizations''.

(d)(1) Subject to the limitations contained in this section, not later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available for ''Contributions to International Organizations'', the Secretary of State may transfer any unobligated balance of such funds to the ''Buying Power Maintenance, International Organizations'' account.

(2) The balance of the Buying Power Maintenance, International Organizations account may not exceed $50,000,000 as a result of any transfer under this subsection.

(3) Any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall be available for obligation or expenditure only in accordance with the procedures under such section.

(e)(1) Funds transferred to the ''Buying Power Maintenance, International Organizations'' account pursuant to this section shall remain available until expended.

(2) The transfer authorities in this section shall be available for funds appropriated for fiscal year 2012 and for each fiscal year thereafter, and are in addition to any transfer authority otherwise available to the Department of State under other provisions of law.

PROHIBITION ON FIRST-CLASS TRAVEL

SEC. 7076. None of the funds made available in this Act may be used for first-class travel by employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

MILLENNIUM CHALLENGE CORPORATION COMPACTS

SEC. 7077. (a) EXTENSION OF COMPACTS.—Section 609(j) of the Millennium Challenge Act of 2003 (22 U.S.C. 7708(j)) is amended to read as follows:

''(j) EXTENSION OF COMPACT.—

''(1) IN GENERAL.—Except as provided under paragraph (2), the duration of a Compact shall not exceed 5 years.

''(2) EXCEPTION.—The duration of a Compact may be extended beyond 5 years if the Board—

''(A) determines that a project included in the Compact cannot be completed within 5 years; and

''(B) approves an extension of the Compact that does not extend the total duration of the Compact beyond 7 years.

''(3) CONGRESSIONAL NOTIFICATION.—Not later than 15 days before the date on which the Board is scheduled to vote on the extension of a Compact beyond 5 years pursuant to paragraph (2), the Board, acting through the Chief Executive Officer, shall—

''(A) notify the Committees on Appropriations, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, of its intent to approve such extension; and

''(B) provide such committees with a detailed explanation for the determination and approval described in paragraph (2).''.

(b) CONCURRENT AND SUBSEQUENT COMPACTS.—Section 609(k) of such Act (22 U.S.C. 7708(k)) is amended to read as follows:

''(k) CONCURRENT AND SUBSEQUENT COMPACTS.—

''(1) IN GENERAL.—Subject to paragraph (2), and in accordance with the requirements of this title, an eligible country and the United States may enter into and have in effect concurrent and/or subsequent Compacts.

''(2) REQUIREMENTS.—An eligible country and the United States may enter into concurrent or subsequent Compacts if the Board determines that such country—

''(A) is making significant, consistent progress in implementing the terms of its existing Compact(s) and supplementary agreements to such Compact(s); and

''(B) will contribute, in the case of a Low Income Country as defined in section 606(a), not less than a 7.5 percent contribution of the total amount agreed upon for a subsequent Compact, or in the case of a Lower Middle Income Country (LMIC) as defined in section 606(b), a 15 percent contribution for a subsequent Compact.

''(3) FUNDING.—Millennium Challenge Corporation (MCC) shall commit any funding for a concurrent Compact at the time it funds the Compact.

''(4) TIMING.—A concurrent Compact shall be signed not later than 2 years after the signing of the earlier compact.

''(5) LIMITATION ON COMPACTS.—The MCC shall provide no more than 15 years of compact funding to any country.''.

(c) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to Compacts entered into between the United States and an eligible country under the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.) before, on or after enactment of this Act, and those made by subsection (b) shall apply prospectively to new compacts.

(d) MAINTAINING CANDIDATE STATUS FOR PURPOSES OF INCOME CATEGORY.—Section 606 of the Millennium Challenge Act of 2003 (22 U.S.C. 7705) is amended as follows:

(1) Section (a)(1) is amended by striking the words ''**Fiscal year 2004**'' and inserting ''**In general**'', and by striking the words ''for fiscal year 2004'' and inserting ''for a fiscal year''.

(2) Section (a)(1)(A) is stricken and replaced with the following: ''The country has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year involved and is among the 75 lowest per capita income countries as identified by the World Bank; and'';

(3) Section (a)(2) is stricken.

(4) Section (b)(1)(A) is stricken and replaced with the following: ''has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year involved and is not among the 75 lowest per capita income countries as identified by the World Bank; and''.

(e) Section 606 is amended by inserting the following—

''(d) INCOME CLASSIFICATION TRANSITION.—Any country with a per capita income that changes in a given fiscal year such that the country would be reclassified in that fiscal year from a low income country to a lower middle income country or from a lower middle income country to a low income country shall retain its candidacy status in its former income classification for the fiscal year of the country's transition and the two subsequent fiscal years.''.

INSPECTORS GENERAL PERSONNEL

SEC. 7078. (a)(1) The provisions in this section shall apply to the Inspector General of the Department of State and the Inspector General of the United States Agency for International Development (USAID).

(2) The term ''Government Employee'' has the meaning given the term employee in section 2105 of title 5, United States Code.

(3) The Inspector General may waive any of the following provisions to employ annuitants (individuals who are entitled to benefits under a retirement system for Government employees): subsections (a) through (d) of section 8344 of title 5, United States Code; subsections (a), (b) and (e) of section 8468 of title 5, United States Code; subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064); and any other similar provision of law, as identified by the Inspector General in regulations: *Provided*, That the Inspector General may exercise this authority: only on a case-by-case basis and only for so long as is necessary; when necessary due to exceptional difficulty in the recruitment or retention of a qualified employee for the position involved or a temporary emergency hiring need; as long as it does not cause the number of employees within the Office of Inspector General (OIG) employed under this or other similar authority to exceed, as of any given date, 15 percent of the total OIG workforce, determined on a full-time equivalent basis; and this authority is repealed on October 1, 2014, except that an annuitant re-employed pursuant to the waiver in this section before October 1, 2014, may continue such employment until not later than September 30, 2015.

(4) Nothing in this section may be construed to permit or require that any re-employed annuitant benefitting from a waiver of a provision of law set forth in this section be treated as a Government employee for purposes of the retirement system to which such provision relates.

(5) The Inspector General is authorized to obtain services under section 3109 of title 5, United States Code, without regard to subsections (d)(1) of such section, and is considered the head of the agency under subsection (b) of such section for purposes of exercising this authority.

(A) Services may be obtained by the Inspector General for a period of up to 1 year, with an option to extend such services for an additional 2 years, and that the total number of individuals employed under this section shall not exceed 15 percent of the total Department of State OIG workforce or 5 percent of the total USAID OIG workforce, determined on a full-time equivalent basis.

(B) The authority to obtain such services shall expire on September 30, 2014 except that an individual whose service under this subsection is procured before October 1, 2014, may continue to provide such service until not later than September 30, 2015.

(b) Section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929) is amended by:

(1) striking paragraph (5) in subsection (c); and

(2) in subsection (d)(2)—

(A) adding ''and'' at the end of subparagraph (D)

(B) striking ''; and'' and inserting a period at the end of subparagraph (E); and

(C) striking subparagraph (F).

CONSULAR AFFAIRS PILOT PROGRAMS

SEC. 7079. (a) TOURIST VISA SERVICES PILOT PROGRAM.—

(1)(A) The Secretary of State shall implement the necessary steps, including hiring a sufficient number of consular officers which may include limited non-career appointment officers, in the People's Republic of China, Brazil, and India to meet the Department of State's standard of interviewing all tourist visa applicants within 30 days of the date of submitting their application.

(B) The Secretary of State shall also conduct a risk and benefit analysis regarding the extension of the expiration period for B–1 or B–2 visas for citizens of the People's Republic of China from 1 year to 2 years before requiring consular officers to re-interview a visa applicant.

(2) Not later than 90 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on Consular Affairs programs in the People's Republic of China, Brazil, and India including steps the Department of State has taken in these countries to meet the State Department's visa processing standards; a 5-year forecast of non-immigrant visas for each of these countries and the number of consular officers necessary to meet the State Department's standards; a comparison of the Department of State's 5-year forecast with the Commerce Department's 5-year visitor arrival projections; and the impact of the different projections on visa process times and required number of consular officers.

(b) VIDEO CONFERENCE PILOT PROGRAM.—

(1) The Secretary of State may develop and conduct a pilot program for the processing of B–1 and B–2 visas using secure remote videoconferencing technology as a method for conducting visa interviews of applicants, and in consultation with other Federal agencies that use such secure communications to help ensure security of the videoconferencing transmission and encryption.

(2) Not later than 90 days after the end of such a pilot program, the Secretary shall submit a report to the Committees on Appropriations detailing the results of such program including an assessment of the efficacy, efficiency, and security of the remote videoconferencing technology as a method for conducting visa interviews of applicants and recommendations for whether it should be continued, broadened, or modified.

(3) No pilot program should be conducted if the Secretary determines and reports to the Committees on Appropriations that such program poses an undue security risk and that it cannot be conducted in a manner consistent with maintaining security controls.

WORKING CAPITAL FUND

SEC. 7080. (a) The Administrator of the United States Agency for International Development (the Administrator) is authorized to establish a Working Capital Fund (in this section referred to as the ''Fund'').

(b) Funds deposited in the Fund during any fiscal year shall be available without fiscal year limitation and used, in addition to other funds available for such purposes, for agency procurement reform efforts and related administrative costs: *Provided*, That such expenses may include—

(1) personal and non-personal services;

(2) training;

(3) supplies; and

(4) other administrative costs related to the implementation of procurement reform and management of the Fund.

(c) There may be deposited during any fiscal year in the Fund up to 1 percent of the total value of obligations entered into by the United States Agency for International Development (USAID) from appropriations available to USAID and any appropriation made available for the purpose of providing capital: *Provided*, That receipts from the disposal of, or repayments for the loss or damage to, property held in the Fund, rebates, reimbursements, refunds and other credits applicable to the operation of the Fund may be deposited into the Fund.

(d) Not later than 45 days after enactment of this Act and any subsequent Act making appropriations for the Department of State, foreign operations, and related programs, the Administrator shall submit to the Committees on Appropriations an operating plan for funds deposited in the Fund, which shall include the percentage to be charged for the current fiscal year.

(e) At the close of fiscal year 2013 and at the close of each fiscal year thereafter, the Administrator shall determine the amounts in excess of the needs of the Fund for that fiscal year and shall transfer out of the Fund any excess amounts to any of the original appropriation accounts from which deposits were made: *Provided*, That such transferred funds shall remain available without fiscal year limitation: *Provided further*, That the Administrator shall report to the Committees on Appropriation the excess amounts and to which appropriation accounts the excess funds will be transferred: *Provided further*, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations.

PROCUREMENT REFORM

SEC. 7081. (a) LOCAL COMPETITION.—Notwithstanding any other provision of law, the Administrator of the United States Agency for International Development (the Administrator) may, with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, award contracts and other instruments in which competition is limited to local entities if doing so would result in cost savings, develop local capacity, or enable the Administrator to initiate a program or activity in appreciably less time than if competition were not so limited: *Provided*, That the authority provided in this section may not be used to make awards in excess of $5,000,000.

(b) For the purposes of this section, local entity means an individual, a corporation, or another body of persons located in or having as its principal place of business or operations in a country receiving assistance from funds appropriated in title III of this Act.

OPERATING AND SPEND PLANS

SEC. 7082. (a) OPERATING PLANS.—Not later than 45 days after the date of enactment of this Act, each department, agency or organization funded in titles I and II, and the Department of the Treasury and Independent Agencies funded in title III of this Act shall submit to the Committees on Appropriations an operating plan for funds appropriated to such department, agency, or organization in such titles of this Act, or funds otherwise available for obligation in fiscal year 2012, that provides details of the use of such funds at the program, project, and activity level.

(b) SPEND PLANS.—Prior to the initial obligation of funds, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a detailed spend plan, which shall include achievable and sustainable goals, benchmarks for measuring progress, and expected results, for the following—

(1) funds appropriated under the heading ''Democracy Fund'';

(2) funds made available in titles III and IV of this Act for assistance for Afghanistan, Pakistan, Iraq, Haiti, Colombia, and Mexico, for the Caribbean Basin Security Initiative, and the Central American Regional Security Initiative; and

(3) funds appropriated in title III for food security and agriculture development programs and for climate change and environment programs.

(c) NOTIFICATIONS.—The spend plans referenced in subsection (b) shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

AUTHORITY FOR CAPITAL INCREASES

SEC. 7083. (a) INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The Bretton Woods Agreements Act, as amended (22 U.S.C. 286 et seq.), is further amended by adding at the end thereof the following new sections:

''SEC. 69. ACCEPTANCE OF AN AMENDMENT TO THE ARTICLES OF AGREEMENT OF THE BANK TO INCREASE BASIC VOTES.

''The United States Governor of the Bank may accept on behalf of the United States the amendment to the Articles of Agreement of the Bank as proposed in resolution No. 596, entitled 'Enhancing Voice and Participation of Developing and Transition Countries,' of the Board of Governors of the Bank that was approved by such Board on January 30, 2009.

''SEC. 70. CAPITAL STOCK INCREASES.

''(a) INCREASES AUTHORIZED.—The United States Governor of the Bank is authorized—

''(1)(A) to vote in favor of a resolution to increase the capital stock of the Bank on a selective basis by 230,374 shares; and

''(B) to subscribe on behalf of the United States to 38,459 additional shares of the capital stock of the Bank, as part of the selective increase in the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts;

''(2)(A) to vote in favor of a resolution to increase the capital stock of the Bank on a general basis by 484,102 shares; and

''(B) to subscribe on behalf of the United States to 81,074 additional shares of the capital stock of the Bank, as part of the general increase in the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

''(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) In order to pay for the increase in the United States subscription to the Bank under subsection (a)(2)(B), there are authorized to be appropriated, without fiscal year limitation, $9,780,361,991 for payment by the Secretary of the Treasury.

''(2) Of the amount authorized to be appropriated under paragraph (2)(A)—

''(A) $586,821,720 shall be for paid in shares of the Bank; and

''(B) $9,193,540,271 shall be for callable shares of the Bank.''.

(b) INTERNATIONAL FINANCE CORPORATION.—The International Finance Corporation Act, Public Law 84–350, as amended (22 U.S.C. 282 et seq.), is further amended by adding at the end thereof the following new section:

''SEC. 17. SELECTIVE CAPITAL INCREASE AND AMENDMENT OF THE ARTICLES OF AGREEMENT.

''(a) VOTE AUTHORIZED.—The United States Governor of the Corporation is authorized to vote in favor of a resolution to increase the capital stock of the Corporation by $130,000,000.

''(b) AMENDMENT OF THE ARTICLES OF AGREEMENT.—The United States Governor of the Corporation is authorized to agree to and accept an amendment to Article IV, Section 3(a) of the Articles of Agreement of the Corporation that achieves an increase in basic votes to 5.55 percent of total votes.''.

(c) INTER-AMERICAN DEVELOPMENT BANK.—The Inter-American Development Bank Act, Public Law 86–147, as amended (22 U.S.C. 283 et seq.), is further amended by adding at the end thereof the following new section:

''SEC. 41. NINTH CAPITAL INCREASE.

''(a) VOTE AUTHORIZED.—The United States Governor of the Bank is authorized to vote in favor of a resolution to increase the capital stock of the Bank by $70,000,000,000 as described in Resolution AG–7/10, 'Report on the Ninth General Capital Increase in the resources of the Inter-American Development Bank' as approved by Governors on July 21, 2010.

''(b) SUBSCRIPTION AUTHORIZED.—

''(1) The United States Governor of the Bank may subscribe on behalf of the United States to 1,741,135 additional shares of the capital stock of the Bank.

''(2) Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

''(c) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) In order to pay for the increase in the United States subscription to the Bank under subsection (b), there are authorized to be appropriated, without fiscal year limitation, $21,004,064,337 for payment by the Secretary of the Treasury.

''(2) Of the amount authorized to be appropriated under paragraph (1)—

''(A) $510,090,175 shall be for paid in shares of the Bank; and

''(B) $20,493,974,162 shall be for callable shares of the Bank.''.

(d) AFRICAN DEVELOPMENT BANK.—The African Development Bank Act, Public Law 97–35, as amended (22 U.S.C. 290i et seq.), is further amended by adding at the end thereof the following new section:

''SEC. 1344. SIXTH CAPITAL INCREASE.

''(a) SUBSCRIPTION AUTHORIZED.—

''(1) The United States Governor of the Bank may subscribe on behalf of the United States to 289,391 additional shares of the capital stock of the Bank.

''(2) Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

''(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) In order to pay for the increase in the United States subscription to the Bank under subsection (a), there are authorized to be appropriated, without fiscal year limitation, $4,322,228,221 for payment by the Secretary of the Treasury.

''(2) Of the amount authorized to be appropriated under paragraph (1)—

''(A) $259,341,759 shall be for paid in shares of the Bank; and

''(B) $4,062,886,462 shall be for callable shares of the Bank.''.

(e) EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The European Bank for Reconstruction and Development Act, Section 562(c) of Public Law 101–513, as amended (22 U.S.C. 2901 et seq.), is further amended by adding at the end thereof the following new paragraph:

''(12) CAPITAL INCREASE.—

''(A) SUBSCRIPTION AUTHORIZED.—

''(i) The United States Governor of the Bank may subscribe on behalf of the United States up to 90,044 additional callable shares of the capital stock of the Bank in accordance with Resolution No. 128 as adopted by the Board of Governors of the Bank on May 14, 2010.

''(ii) Any subscription by the United States to additional capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

''(B) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the increase in the United States subscription to the Bank under subsection (A), there are authorized to be appropriated, without fiscal year limitation, up to $1,252,331,952 for payment by the Secretary of the Treasury.''.

AUTHORITY FOR REPLENISHMENTS

SEC. 7084. (a) INTERNATIONAL DEVELOPMENT ASSOCIATION.—The International Development Association Act, Public Law 86–565, as amended (22 U.S.C. 284 et seq.), is further amended by adding at the end thereof the following new sections:

''SEC. 26. SIXTEENTH REPLENISHMENT.

''(a) The United States Governor of the International Development Association is authorized to contribute on behalf of the United States $4,075,500,000 to the sixteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $4,075,500,000 for payment by the Secretary of the Treasury.

''SEC. 27. MULTILATERAL DEBT RELIEF.

''(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $474,000,000 to the International Development Association for the purpose of funding debt relief cost under the Multilateral Debt Relief Initiative incurred in the period governed by the sixteenth replenishment of resources of the International Development Association, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated,

without fiscal year limitation, not more than $474,000,000 for payment by the Secretary of the Treasury.

''(c) In this section, the term 'Multilateral Debt Relief Initiative' means the proposal set out in the G8 Finance Ministers' Communiqué entitled 'Conclusions on Development', done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005.''.

(b) AFRICAN DEVELOPMENT BANK.—The African Development Fund Act, Public Law 94–302, as amended (22 U.S.C. 290g et seq.), is further amended by adding at the end thereof the following new sections:

''SEC. 221. TWELFTH REPLENISHMENT.

''(a) The United States Governor of the Fund is authorized to contribute on behalf of the United States $585,000,000 to the twelfth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $585,000,000 for payment by the Secretary of the Treasury.

''SEC. 222. MULTILATERAL DEBT RELIEF.

''(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $60,000,000 to the African Development Fund for the purpose of funding debt relief costs under the Multilateral Debt Relief Initiative incurred in the period governed by the twelfth replenishment of resources of the African Development Fund, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than $60,000,000 for payment by the Secretary of the Treasury.

''(c) In this section, the term 'Multilateral Debt Relief Initiative' means the proposal set out in the G8 Finance Ministers' Communiqué entitled 'Conclusions on Development', done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005.''.

AUTHORITY FOR THE FUND FOR SPECIAL OPERATIONS

SEC. 7085. Up to $36,000,000 of funds appropriated for the account ''Department of the Treasury, Debt Restructuring'' by the Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10, Division B) may be made available for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of debt relief provided to Haiti in view of the Cancun Declaration of March 21, 2010.

ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS

SEC. 7086. Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 104C, the following new section:

''SEC. 104D. ELIGIBILITY FOR ASSISTANCE.

''Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under sections 104, 104A, 104B, and 104C—

''(1) a foreign nongovernmental organization shall not be ineligible for such assistance solely on the basis of health or medical services, including counseling and referral services, provided by such organization with non-United States Government funds if such services are permitted in the country in which they are being provided and would not violate United States law if provided in the United States; and

''(2) a foreign nongovernmental organization shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under this part.''.

(RESCISSIONS)

SEC. 7087. (a) Of the funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading ''Diplomatic and Consular Programs'', $13,700,000 are rescinded, of which $8,000,000 shall be from funds for Worldwide Security Protection: *Provided*, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Of the unexpended balances available under the heading ''Export and Investment Assistance, Export-Import Bank of the United States, Subsidy Appropriation'' from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $300,000,000 are rescinded.

(c) Of the unexpended balances available to the President for bilateral economic assistance under the heading ''Economic Support Fund'' from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $150,000,000 are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) The Secretary of State, as appropriate, shall consult with the Committees on Appropriations prior to implementing the rescissions made in this section.

TITLE VIII

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Diplomatic and Consular Programs'', $3,773,701,000, to remain available until September 30, 2013, of which $236,201,000 is for Worldwide Security Protection and shall remain available until expended: *Provided*, That the Secretary of State may transfer up to $230,000,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated under this heading may be made available pursuant to the authority of section 7032(u) of this Act: *Provided further*, That each amount in this paragraph is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $63,954,000, to remain available until September 30, 2013, of which $16,317,000 shall be for the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and $44,387,000 shall be for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight: *Provided*, That each amount in this paragraph is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $17,900,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

UNITED STATES INSTITUTE FOR PEACE

For an additional amount for ''United States Institute for Peace'', $8,411,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $106,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $150,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

TRANSITION INITIATIVES

For an additional amount for ''Transition Initiatives'', $3,500,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

COMPLEX CRISES FUND

For an additional amount for ''Complex Crises Fund'', $45,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,172,821,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress

as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $100,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $1,163,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', $27,500,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $30,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $989,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

PAKISTAN COUNTER-INSURGENCY CAPABILITY FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 8 of part I and chapters 2, 5, 6, and 8 of part II of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act, $1,000,000,000, to remain available until September 30, 2012, for the purpose of providing assistance for Pakistan to build and maintain the counter-insurgency capability of Pakistani security forces (including the Frontier Corps), to include program management, training in civil-military humanitarian assistance, human rights training, and the provision of equipment, supplies, services, training, and facility and infrastructure repair, renovation, and construction: *Provided*, That notwithstanding any other provision of law except section 620M of the Foreign Assistance Act of 1961, as amended by this Act, such funds shall be available to the Secretary of State, with the concurrence of the Secretary of Defense: *Provided further*, That such funds may be transferred by the Secretary of State to the Department of Defense or other Federal departments or agencies to support counter-insurgency operations and may be merged with, and be available, for the same purposes and for the same time period as the appropriation or fund to which transferred or may be transferred pursuant to the authorities contained in the Foreign Assistance Act of 1961: *Provided further*, That the Secretary of State shall, not fewer than 15 days prior to making transfers from this appropriation, notify the Committees on Appropriations, in writing, of the details of any such transfer: *Provided further*, That the Secretary of State shall submit not later than 30 days after the end of each fiscal quarter to the Committees on Appropriations a report in writing summarizing, on a project-by-project basis, the uses of funds under this heading: *Provided further*, That upon determination by the Secretary of State, with the concurrence of the Secretary of Defense, that all or part of the funds so transferred from this appropriation are not necessary for the purposes herein, such amounts may be transferred by the head of the relevant Federal department or agency back to this appropriation and shall be available for the same purposes and for the same time period as originally appropriated: *Provided further*, That any required notification or report may be submitted in classified form: *Provided further*, That the amount in this paragraph is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

GLOBAL SECURITY CONTINGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the ''Global Security Contingency Fund''.

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Arms Export Control Act to provide assistance, notwithstanding any other provision of law except sections 620A and 620M of the Foreign Assistance Act of 1961, as amended by this Act, for countries designated by the Secretary of State to enhance the capabilities of military and police forces, and other security forces that conduct border and maritime security, internal security, and counter-terrorism operations, as well as government agencies responsible for such forces, and to strengthen democratic institutions including the justice sector (including corrections) and respect for human rights and the rule of law, where the Secretary of State, in consultation with the Secretary of Defense, determines that conflict or instability in a country or region significantly challenges the local capacity to deliver such assistance, $50,000,000, to remain available until September 30, 2013: *Provided*, That such assistance programs shall be formulated by the Secretary of State in consultation with the Secretary of Defense: *Provided further*, That programs carried out under this heading shall be approved by the Secretary of State, in consultation with the Secretary of Defense, prior to implementation: *Provided further*, That the authorities and requirements of the Foreign Assistance Act of 1961 shall apply to funds made available under this heading: *Provided further*, That funds made available to the Department of Defense in fiscal year 2012 may be transferred to, and merged with, funds appropriated under this heading by the Secretary of Defense: *Provided further*, That funds made available under this heading may be transferred to the most appropriate agency or account to facilitate the provision of such assistance: *Provided further*, That the transfer authorities under this paragraph are in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the amounts in this account may be used for necessary administrative expenses of the agencies planning and carrying out programs: *Provided further*, That the head of any agency may detail personnel to the Department of State to carry out activities funded under this heading with or without reimbursement for all or part of the costs of salaries and other expenses associated with such personnel: *Provided further*, that no obligation or transfer of funds may be made unless the Secretary of State and the Secretary of Defense have notified the Committees on Appropriations at least 15 days prior to any such obligation or transfer: *Provided further*, That the amount in this paragraph is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

GENERAL PROVISIONS

SEC. 8001. Notwithstanding any other provision of law, funds made available under the heading ''Overseas Contingency Operations'' are in addition to amounts appropriated or otherwise made available for the Department of State for fiscal year 2012.

SEC. 8002. Unless otherwise provided for in this Act, additional amounts appropriated under the heading ''Overseas Contingency Operations'' to appropriation accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts.

SEC. 8003. Notwithstanding any other provision of law except section 620M of the Foreign Assistance Act, as amended by this Act, funds appropriated by this title may be transferred to, and merged with, funds appropriated by this title under the headings ''Diplomatic and Consular Programs'', ''Worldwide Security Protection'', ''Office of Inspector General'', ''Contributions for International Peacekeeping Activities'', ''United States Institute for Peace'', ''United States Agency for International Development, Funds Appropriated to the President, Operating Expenses'', ''United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General'', ''International Disaster Assistance'', ''Transition Initiatives'', ''Complex Crises Fund'', ''Economic Support Fund'', ''Migration and Refugee Assistance'', ''International Narcotics Control and Law Enforcement'', ''Nonproliferation, Anti-terrorism, Demining, and Related Programs'', ''Peacekeeping Operations'', ''Foreign Military Financing Program'', ''Pakistan Counter-insurgency Capability Fund'', and ''Global Stability Contingency Fund'': *Provided*, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the transfer authority in this section is in addition to any transfer authority otherwise available under any other provision of law, including section 610 of the Foreign Assistance Act which may be exercised by the Secretary of State for the purposes of this title.

This Act may be cited as the ''Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012''.

SA 957. Mr. REID proposed an amendment to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; as follows:

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

DIVISION A—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

The following sums are appropriated, out of any money in the Treasury not otherwise

appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, short protection, aquatic ecosystem restoration, and related efforts.

GENERAL INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $125,000,000, to remain available until expended.

CONSTRUCTION, GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,610,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Lock and Dam 27, Mississippi River, Illinois; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Olmsted Lock and Dam, Illinois and Kentucky; and Emsworth Locks and Dam, Ohio River, Pennsylvania) shall be derived from the Inland Waterways Trust Fund.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $250,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $2,360,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965 (16 U.S.C. 4601–6a(i)) shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in areas managed by the Corps at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $193,000,000, to remain available until September 30, 2013.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $109,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $27,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $185,000,000, to remain available until September 30, 2013, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), $5,000,000, to remain available until September 30, 2013.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

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

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) GENERAL INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: *Provided*, That for a base level less than $100,000, the reprogramming limit is $25,000: *Provided further*, That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION, GENERAL.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than $2,000,000, the reprogramming limit is $300,000: *Provided further*, That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount a limit of $5,000,000 per project, study or activity is allowed: *Provided further*, That for a base level less than $1,000,000, the reprogramming limit is $150,000: *Provided further*, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15

percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than $50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided*, That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. None of the funds in this Act, or previous Acts, making funds available to the Corps, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A–76 or High Performing Organizations.

SEC. 103. None of the funds in this Act, or previous Acts, making funds available to the Corps, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in this Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99–662), as amended, is enacted.

SEC. 104. Within 120 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. During the fiscal year period covered by this Act, the Secretary of the Army is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

SEC. 106. The Secretary is authorized to transfer to the ''Construction'' account up to $100,000,000 of the funds provided for reinforcing or replacing flood walls under the ''Flood Control and Coastal Emergencies'' heading in Public Law 109–234 (120 Stat. 455) and Public Law 110–252 (122 Stat. 2350) and up to $75,000,000 of the funds provided for projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity projects under the ''Flood Control and Coastal Emergencies'' heading in Public Law 110–28 (121 Stat. 153) to be used with funds provided for the West Bank and Vicinity project under the ''Construction'' heading in Public Law 110–252 (122 Stat. 2349) and Public Law 110–329 (122 Stat. 3589), consistent with 65 percent Federal and 35 percent non-Federal cost share and the financing of, and payment terms for, the non-Federal cash contribution associated with the West Bank and Vicinity project.

SEC. 107. The Secretary of the Army may authorize a member of the Armed Forces under the Secretary's jurisdiction and employees of the Department of the Army to serve without compensation as director, officer, or otherwise in the management of the organization established to support and maintain the participation of the United States in the permanent international commission of the congresses of navigation, or any successor entity.

SEC. 108. (a) ACQUISITION.—The Secretary is authorized to acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory. This real property to be acquired consists of 18.5 acres more or less, identified as Tracts 101–1 and 101–2, together with all necessary easements located entirely within the Town of Hanover, New Hampshire. The real property is generally bounded to the east by state route 10-Lyme Road, to the north by the vacant property of the Trustees of the Dartmouth College, to the south by Fletcher Circle graduate student housing owned by the Trustees of Dartmouth College, and to the west by approximately 9 acres of real property acquired in fee through condemnation in 1981 by the Secretary of the Army.

(b) REVOLVING FUND.—The Secretary is authorized to use the Revolving Fund (33 U.S.C. 576) through the Plant Replacement and Improvement Program to acquire the real property and associated real property interests in subsection (a). The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefiting appropriations.

(c) RIGHT OF FIRST REFUSAL.—The Secretary may provide the Seller of any real property and associated property interests identified in subsection (a)—

(1) a right of first refusal to acquire such property, or any portion thereof, in the event the property, or any portion thereof, is no longer needed by the Department of the Army.

(2) a right of first refusal to acquire any real property or associated real property interests acquired by condemnation in Civil Action No. 81–360–L, in the event the property, or any portion thereof, is no longer needed by the Department of the Army.

(3) the purchase of any property by the Seller exercising either right of first refusal authorized in this section shall be for consideration acceptable to the Secretary and shall be for not less than fair market value at the time the property becomes available for purchase. The right of first refusal authorized in this section shall not inure to the benefit of the Sellers successors or assigns.

(d) DISPOSAL.—The Secretary of the Army is authorized to dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal as set forth herein.

SEC. 109. The Secretary of the Army may transfer, and the Fish and Wildlife Service may accept and expend, up to $3,800,000 of funds provided in this title under the heading ''Operation and Maintenance'', to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 110. The Secretary of the Army, acting through the Chief of Engineers, is directed to fully utilize the Federal dredging fleet in support of all Army Corps of Engineers missions and no restrictions shall be placed on the use or maintenance of any dredge in the Federal Fleet.

SEC. 111. The Secretary of the Army, acting through the Chief of Engineers, is directed to maintain the Federal dredging fleet to technologically modern and efficient standards.

SEC. 112. The Secretary of the Army, acting through the Chief of Engineers is directed to utilize funds from the revolving fund to expeditiously undertake necessary health and safety improvements, including lead and asbestos abatement, to the dredge ''McFarland'': *Provided*, That the Secretary shall ensure that the Revolving Fund is appropriately reimbursed from appropriations of the Corps' benefiting programs by collection each year of amounts sufficient to repay the capitalized cost of such construction and improvements.

SEC. 113. With respect to the property covered by the deed described in Auditor's instrument No. 2006–014428 of Benton County, Washington, approximately 1.5 acres, the following deed restrictions are hereby extinguished and of no further force and effect:

(1) The reversionary interest and use restrictions related to port and industrial purposes;

(2) The right for the District Engineer to review all pre-construction plans and/or specifications pertaining to construction and/or maintenance of any structure intended for human habitation, other building structure, parking lots, or roads, if the elevation of the property is above the standard project flood elevation; and

(3) The right of the District Engineer to object to, and thereby prevent, in his/her discretion, such activity.

SEC. 114. That portion of the project for navigation, Block Island Harbor of Refuge, Rhode Island adopted by the Rivers and Harbors Act of July 11, 1870, consisting of the cut-stone breakwater lining the west side of the Inner Basin; beginning at a point with coordinates N32579.55, E312625.53, thence running northerly about 76.59 feet to a point with coordinates N32655.92, E312631.32, thence running northerly about 206.81 feet to a point with coordinates N32858.33, E312673.74, thence running easterly about 109.00 feet to a point with coordinates N32832.15, E312779.54, shall no longer be authorized after the date of enactment.

SEC. 115. The Secretary of the Army, acting through the Chief of Engineers, is authorized, using amounts available in the Revolving Fund established by section 101 of the Act of July 27, 1953, chap. 245 (33 U.S.C. 576), to construct a Consolidated Infrastructure Research Equipment Facility, an Environmental Processes and Risk Lab, a Hydraulic Research Facility, an Engineer Research and Development Center headquarters building, a Modular Hydraulic Flume building, and to purchase real estate, perform construction, and make facility, utility, street, road, and infrastructure improvements to the Engineer Research and Development Center's installations and facilities. The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefitting appropriations.

SEC. 116. Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718; 114 Stat. 2609) is amended by striking subsection (b) and inserting the following:

''(b) DISPOSITION OF ACQUIRED LAND.—The Secretary may transfer land acquired under this section to the non-Federal sponsor by quitclaim deed subject to such terms and conditions as the Secretary determines to be in the public interest.''.

SEC. 117. The New London Disposal Site and the Cornfield Shoals Disposal Site in Long Island Sound selected by the Department of the Army as alternative dredged material disposal sites under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, shall remain open until completion of a Supplemental Environmental Impact Statement to support final designation of an Ocean Dredged Material Disposal Site in eastern Long Island

Sound under section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972.

SEC. 118. (a) That portion of the project for navigation, Newport Harbor, Rhode Island adopted by the Rivers and Harbors Acts of March 2, 1907 (34 Stat. 1075); June 25, 1910 (36 Stat. 632); August 26, 1937 (50 Stat. 845); and, modified by the Consolidated Appropriations Act, 2000, Public Law 106–113, appendix E, title II, section 221 (113 Stat. 1501A–298); consisting of a 13-foot anchorage, an 18-foot anchorage, a 21-foot channel, and 18-foot channels described by the following shall no longer be authorized after the date of enactment of this Act: the 21-Foot Entrance Channel, beginning at a point (1) with coordinates 374986.03, 150611.01; thence running south 46 degrees 54 minutes 30.7 seconds east 900.01 feet to a point (2) with coordinates 375643.27, 149996.16; thence running south 8 degrees 4 minutes 58.3 east 2,376.87 feet to a point (3) with coordinates 375977.47, 147643.00; thence running south 4 degrees 28 minutes 20.4 seconds west 738.56 feet to a point (4) with coordinates 375919.88, 146906.60; thence running south 6 degrees 2 minutes 42.4 seconds east 1,144.00 feet to a point (5) with coordinates 376040.35, 145768.96; thence running south 34 degrees 5 minutes 51.7 seconds west 707.11 feet to a point (6) with coordinates 375643.94, 145183.41; thence running south 73 degrees 11 minutes 42.9 seconds west 1,300.00 feet to the end point (7) with coordinates 374399.46, 144807.57; Returning at a point with coordinates (8) with coordinates 374500.64, 144472.51; thence running north 73 degrees 11 minutes 42.9 seconds east 1,582.85 feet to a point (9) with coordinates 376015.90, 144930.13; thence running north 34 degrees 5 minutes 51.7 seconds east 615.54 feet to a point (10) with coordinates 376360.97, 145439.85; thence running north 2 degrees 10 minutes 43.3 seconds west 2,236.21 feet to a point (11) with coordinates 376275.96, 147674.45; thence running north 8 degrees 4 minutes 55.6 seconds west 2,652.83 feet to a point (12) with coordinates 375902.99, 150300.93; thence running north 46 degrees 54 minutes 30.7 seconds west 881.47 feet to an end point (13) with coordinates 375259.29, 150903.12; and the 18-Foot South Goat Island Channel beginning at a point (14) with coordinates 375509.09, 149444.83; thence running south 25 degrees 44 minutes 0.5 second east 430.71 feet to a point (15) with coordinates 375696.10, 149056.84; thence running south 10 degrees 13 minutes 27.4 seconds east 1,540.89 feet to a point (16) with coordinates 375969.61, 147540.41; thence running south 4 degrees 29 minutes 11.3 seconds west 1,662.92 feet to a point (17) with coordinates 375839.53, 145882.59; thence running south 34 degrees 5 minutes 51.7 seconds west 547.37 feet to a point (18) with coordinates 375532.67, 145429.32; thence running south 86 degrees 47 minutes 37.7 seconds west 600.01 feet to an end point (19) with coordinates 374933.60, 145395.76; and the 18-Foot Entrance Channel beginning at a point (20) with coordinates 374567.14, 144252.33; thence running north 73 degrees 11 minutes 42.9 seconds east 1,899.22 feet to a point (21) with coordinates 376385.26, 144801.42; thence running north 2 degrees 10 minutes 41.5 seconds west 638.89 feet to an end point (10) with coordinates 376360.97, 145439.85; and the 18-Foot South Anchorage beginning at a point (22) with coordinates 376286.81, 147389.37; thence running north 78 degrees 56 minutes 15.6 seconds east 404.86 feet to a point (23) with coordinates 376684.14, 147467.05; thence running north 78 degrees 56 minutes 15.6 seconds east 1,444.33 feet to a point (24) with coordinates 378101.63, 147744.18; thence running south 5 degrees 18 minutes 43.8 seconds west 1,228.20 feet to a point (25) with coordinates 377987.92, 146521.26; thence running south 3 degrees 50 minutes 3.4 seconds east 577.84 feet to a point (26) with coordinates 378026.56, 145944.71; thence running south 44 degrees 32 minutes 14.7 seconds west 2,314.09 feet to a point (27) with coordinates 376403.52, 144295.24 thence running south 60 degrees 5 minutes 58.2 seconds west 255.02 feet to an end point (28) with coordinates 376182.45, 144168.12; and the 13-Foot Anchorage beginning at a point (29) with coordinates 376363.39, 143666.99; thence running north 63 degrees 34 minutes 19.3 seconds east 1,962.37 feet to a point (30) with coordinates 378120.68, 144540.38; thence running north 3 degrees 50 minutes 3.1 seconds west 1,407.47 feet to an end point (26) with coordinates 378026.56, 145944.71; and the 18-Foot East Channel beginning at a point (23) with coordinates 376684.14, 147467.05; thence running north 2 degrees 10 minutes 43.3 seconds west 262.95 feet to a point (31) with coordinates 376674.14, 147729.81; thence running north 9 degrees 42 minutes 20.3 seconds west 301.35 feet to a point (32) with coordinates 376623.34, 148026.85; thence running south 80 degrees 17 minutes 42.4 seconds west 313.6 feet to a point (33) with coordinates 376314.23, 147973.99; thence running north 7 degrees 47 minutes 21.9 seconds west 776.24 feet to an end point (34) with coordinates 376209.02, 148743.06; and the 18-Foot North Anchorage beginning at a point (35) with coordinates 376123.98, 148744.69; thence running south 88 degrees 54 minutes 16.2 seconds east 377.90 feet to a point (36) with coordinates 376501.82, 148737.47; thence running north 9 degrees 42 minutes 19.0 seconds west 500.01 feet to a point (37) with coordinates 376417.52, 149230.32; thence running north 6 degrees 9 minutes 53.2 seconds west 1,300.01 feet to an end point (38) with coordinates 376277.92, 150522.81.

(b) The area described by the following shall be redesignated as an eighteen-foot channel and turning basin: Beginning at a point (1) with coordinates N144759.41, E374413.16; thence running north 73 degrees 11 minutes 42.9 seconds east 1,252.88 feet to a point (2) with coordinates N145121.63, E375612.53; thence running north 26 degrees 29 minutes 48.1 seconds east 778.89 feet to a point (3) with coordinates N145818.71, E375960.04; thence running north 0 degrees 3 minutes 38.1 seconds west 1,200.24 feet to a point (4) with coordinates N147018.94, E375958.77; thence running north 2 degrees 22 minutes 45.2 seconds east 854.35 feet to a point (5) with coordinates N147872.56, E375994.23; thence running north 7 degrees 47 minutes 21.9 seconds west 753.83 feet to a point (6) with coordinates N148619.44, E375892.06; thence running north 88 degrees 46 minutes 16.7 seconds east 281.85 feet to a point (7) with coordinates N148625.48, E376173.85; thence running south 7 degrees 47 minutes 21.9 seconds east 716.4 feet to a point (8) with coordinates N147915.69, E376270.94; thence running north 80 degrees 17 minutes 42.3 seconds east 315.3 feet to a point (9) with coordinates N147968.85, E.76581.73; thence running south 9 degrees 42 minutes 20.3 seconds east 248.07 feet to a point (10) with coordinates N147724.33, E376623.55; thence running south 2 degrees 10 minutes 43.3 seconds east 318.09 feet to a point (11) with coordinates N147406.47, E376635.64; thence running north 78 degrees 56 minutes 15.6 seconds east 571.11 feet to a point (12) with coordinates N147516.06, E377196.15; thence running south 88 degrees 57 minutes 2.3 seconds east 755.09 feet to a point (13) with coordinates N147502.23, E377951.11; thence running south 1 degree 2 minutes 57.7 seconds west 100.00 feet to a point (14) with coordinates N147402.25, E377949.28; thence running north 88 degrees 57 minutes 2.3 seconds west 744.48 feet to a point (15) with coordinates N147415.88, E377204.92; thence running south 78 degrees 56 minutes 15.6 seconds west 931.17 feet to a point (16) with coordinates N147237.21, E376291.06; thence running south 39 degrees 26 minutes 18.7 seconds west 208.34 feet to a point (17) with coordinates N147076.31, E376158.71; thence running south 0 degrees 3 minutes 38.1 seconds east 1,528.26 feet to a point (18) with coordinates N145548.05, E376160.32; thence running south 26 degrees 29 minutes 48.1 seconds west 686.83 feet to a point (19) with coordinates N144933.37, E375853.90; thence running south 73 degrees 11 minutes 42.9 seconds west 1,429.51 feet to end at a point (20) with coordinates N144520.08, E374485.44.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $28,991,000, to remain available until expended, of which $2,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission, and of which $1,550,000 for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior. For fiscal year 2012, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $885,670,000, to remain available until expended, of which $10,698,000 shall be available for transfer to the Upper Colorado River Basin Fund and $6,136,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460L–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the amounts provided herein, funds may be used for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $53,068,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess

and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $39,651,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2013, $60,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

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

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $300,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term ''transfer'' means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program-Alternative Repayment Plan'' and the ''SJVDP-Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 529(b)(3) of Public Law 106–541, as amended by section 115 of Public Law 109–103, is further amended by striking ''$20,000,000'' and inserting ''$30,000,000'' in lieu thereof.

SEC. 204. Section 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) in subsection (a), in the first sentence, by striking ''2011'' and inserting ''2016''; and

(2) in subsection (b), by striking ''$25,000,000 for fiscal years 1997 through 2011'' and inserting ''$3,000,000 for each of fiscal years 2012 through 2016''.

SEC. 205. (a) PERMITTED USES.—Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) is amended—

(1) in the matter preceding paragraph (1), by striking ''In any case in which there are willing sellers'' and inserting ''For the benefit of at-risk natural desert terminal lakes and associated riparian and watershed resources, in any case in which there are willing sellers or willing participants'';

(2) in paragraph (2), by striking ''in the Walker River'' and all that follows through ''119 Stat. 2268)''; and

(3) in paragraph (3), by striking ''in the Walker River Basin''.

(b) WALKER BASIN RESTORATION PROGRAM.—Section 208(b) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85; 123 Stat. 2858) is amended—

(1) in paragraph (1)(B)(iv), by striking ''exercise water rights'' and inserting ''manage land, water appurtenant to the land, and related interests''; and

(2) in paragraph (2)(A), by striking ''The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation'' and inserting ''Any amount made available to the National Fish and Wildlife Foundation under subsection (a) shall be provided''.

SEC. 206. The Federal policy for addressing California's water supply and environmental issues related to the Bay-Delta shall be consistent with State law, including the coequal goals of providing a more reliable water supply for the State of California and protecting, restoring, and enhancing the Delta ecosystem. The Secretary of the Interior, the Secretary of Commerce, the Army Corps of Engineers and the Environmental Protection Agency Administrator shall jointly coordinate the efforts of the relevant agencies and work with the State of California and other stakeholders to complete and issue the Bay Delta Conservation Plan Final Environmental Impact Statement no later than February 15, 2013. Nothing herein modifies existing requirements of Federal law.

SEC. 207. The Secretary of the Interior may participate in non-Federal groundwater banking programs to increase the operational flexibility, reliability, and efficient use of water in the State of California, and this participation may include making payment for the storage of Central Valley Project water supplies, the purchase of stored water, the purchase of shares or an interest in ground banking facilities, or the use of Central Valley Project water as a medium of payment for groundwater banking services: *Provided*, That the Secretary of the Interior shall participate in groundwater banking programs only to the extent allowed under State law and consistent with water rights applicable to the Central Valley Project: *Provided further*, That any water user to which banked water is delivered shall pay for such water in the same manner provided by that water user's then-current Central Valley Project water service, repayment, or water rights settlement contract at the rate provided by the then-current Central-Valley Project Irrigation or Municipal and Industrial Rate Setting Policies; and: *Provided further*, That in implementing this section, the Secretary of the Interior shall comply with applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) Nothing herein shall alter or limit the Secretary's existing authority to use groundwater banking to meet existing fish and wildlife obligations.

SEC. 208. (a) Subject to compliance with all applicable Federal and State laws, a transfer of irrigation water among Central Valley Project contractors from the Friant, San Felipe, West San Joaquin, and Delta divisions, and a transfer from a long-term Friant Division water service or repayment contractor to a temporary or prior temporary service contractors within the place of use in existence on the date of the transfer, as identified in the Bureau of Reclamation water

rights permits for the Friant Division, shall be considered to meet the conditions described in subparagraphs (A) and (I) of section 3405(a)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4709).

(b) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and the Commissioner of the Bureau of Reclamation shall initiate and complete, on the most expedited basis practicable, programmatic environmental compliance so as to facilitate voluntary water transfers within the Central Valley Project, consistent with all applicable Federal and State law.

(c) Not later than 180 days after the date of enactment of this Act and each of the 4 years thereafter, the Commissioner of the Bureau of Reclamation shall submit to the committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report that describes the status of efforts to help facilitate and improve the water transfers within the Central Valley Project and water transfers between the Central Valley Project and other water projects in the State of California; evaluates potential effects of this Act on Federal programs, Indian tribes, Central Valley Project operations, the environment, groundwater aquifers, refuges, and communities; and provides recommendations on ways to facilitate and improve the process for these transfers.

SEC. 209. Section 10009(c)(2) of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1356) is amended by striking ''October 1, 2019, all funds in the Fund shall be available for expenditure without further appropriation.'' and inserting ''October 1, 2014, all funds in the Fund shall be available for expenditure on an annual basis in an amount not to exceed $40,000,000 without further appropriation.'' in lieu thereof.

TITLE III
DEPARTMENT OF ENERGY
ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,795,641,000, to remain available until expended: *Provided*, That $165,000,000 shall be available until September 30, 2013 for program direction: *Provided further*, That of the amount appropriated, the Secretary may use not more than $170,000,000 for activities of the Department of Energy pursuant to the Defense Production Act of 1950 (50 U.S.C. App. 2061, et seq.): *Provided further*, That within 12 months of the date of enactment, the Secretary shall initiate separate rulemakings to establish efficiency standards for televisions and set top television boxes.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $141,010,000, to remain available until expended: *Provided*, That $27,010,000 shall be available until September 30, 2013 for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 10 buses, all for replacement only, $583,834,000, to remain available until expended: *Provided*, That $86,279,000 shall be available until September 30, 2013 for program direction: *Provided further*, That, notwithstanding any other provision of law, the Department shall develop a strategy within 3 months of the publication of the final report of the Blue Ribbon Commission on America's Nuclear Future to manage spent nuclear fuel and other nuclear waste at consolidated storage facilities and permanent repositories that can be implemented as expeditiously as possible.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT
(INCLUDING RESCISSION)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $445,471,000, to remain available until expended: *Provided*, That $151,729,000 shall be available until September 30, 2013 for program direction: *Provided further*, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States: *Provided further*, That of prior-year balances, $187,000,000 are hereby rescinded: *Provided further*, That no rescission made by the previous proviso shall apply to any amount previously appropriated in Public Law 111–5 or designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $14,909,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $192,704,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

Notwithstanding sections 161 and 167 of the Energy Policy and Conservation Act (42 U.S.C. 6241, 6247), the Secretary of Energy shall sell $500,00,000 in petroleum products from the Reserve not later than March 1, 2012, and shall deposit any proceeds from such sales in the General Fund of the Treasury: *Provided*, That paragraphs (a)(1) and (2) of section 160 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6240(a)(1) and (2)) are hereby repealed: *Provided further*, That unobligated balances in this account shall be available to cover the costs of any sale under this Act.

NORTHEAST HOME HEATING OIL RESERVE
(INCLUDING RESCISSION)

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $10,119,000, to remain available until expended: *Provided*, That amounts net of the purchase of 1 million barrels of petroleum distillates in fiscal year 2011; costs related to transportation, delivery, and storage; and sales of petroleum distillate from the Reserve under section 182 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6250a) are hereby rescinded.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $105,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $219,121,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $429,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 49 passenger motor vehicles for replacement only, including one ambulance and one bus, $4,842,665,000, to remain available until expended: *Provided*, That $180,786,000 shall be available until September 30, 2013 for program direction.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), as amended, $250,000,000, to remain available until expended.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Subject to section 502 of the Congressional Budget Act of 1974, for the cost of loan guarantees for renewable energy or efficient end-use energy technologies under section 1703 of

the Energy Policy Act of 2005, $200,000,000 is appropriated to remain available until expended: *Provided*, That the amounts in this section are in addition to those provided in any other Act: *Provided further*, That, notwithstanding section 1703(a)(2) of the Energy Policy Act of 2005, funds appropriated for the cost of loan guarantees are also available for projects for which an application has been submitted to the Department of Energy prior to February 24, 2011, in whole or in part, for a loan guarantee under 1705 of the Energy Policy Act of 2005: *Provided further*, That an additional amount for necessary administrative expenses to carry out this Loan Guarantee program, $38,000,000 is appropriated, to remain available until expended: *Provided further*, That $38,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2011 appropriations from the general fund estimated at not more than $0: *Provided further*, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated: *Provided further*, That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers is not a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, no appropriations are available to pay the subsidy cost of such guarantees for nuclear power or fossil energy facilities: *Provided further*, That none of the loan guarantee authority made available in this Act shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: *Provided further*, That the previous provision shall not be interpreted as precluding the use of the loan guarantee authority in this Act for commitment to guarantee loans for projects as a result of such projects benefiting from (a) otherwise allowable Federal income tax benefits; (b) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (i) paid exclusively in cash, (ii) deposited in the Treasury as offsetting receipts, and (iii) equal to the fair market value as determined by the head of the relevant Federal agency; (c) Federal insurance programs, including Price-Anderson; or (d) for electric generation projects, use of transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: *Provided further*, That none of the loan guarantee authority made available in this Act shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this title.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $6,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, $237,623,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $111,883,000 in fiscal year 2012 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2012, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $125,740,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $41,774,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed one ambulance and one aircraft; $7,190,000,000, to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

(INCLUDING RESCISSION)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, $2,404,300,000, to remain available until expended: *Provided*, That of the unobligated balances available under this heading, $21,000,000 are hereby rescinded.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,100,000,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000,$404,000,000, to remain available until September 30, 2013.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulances and one fire truck for replacement only, $5,002,308,000, to remain available until expended: *Provided*, That $321,628,000 shall be available until September 30, 2013 for program direction.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 10 passenger motor vehicles for replacement only, $819,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATION

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Kootenai River Native Fish Conservation Aquaculture Program, Lolo Creek Permanent Weir Facility, and Improving Anadromous Fish production on the Warm Springs Reservation, and, in addition, for official reception and representation expenses in an amount not to exceed $7,000. During fiscal year 2012, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $8,428,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $8,428,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $0: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to $100,162,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase

power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $45,010,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $33,118,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $11,892,000: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to $40,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $285,900,000, to remain available until expended, of which $278,856,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $189,932,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $95,968,000, of which $88,924,000 is derived from the Reclamation Fund: *Provided further*, That of the amount herein appropriated, not more than $3,375,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $306,541,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $4,169,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $3,949,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $220,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000,$304,600,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $304,600,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2012 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $0: *Provided further*, That not later than 180 days after the date of enactment of this Act, the Commission shall issue such regulations as are necessary to clarify that a State may establish rates for the wholesale sale of electric energy in interstate commerce pursuant to the Public Utility Regulatory Policies Act of 1978 such that those rates shall not unduly discriminate against the qualifying cogeneration facility or qualifying small power production facility selling the electric energy or exceed the costs to produce and deliver the electric energy, as determined for the specific technology at issue.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 302. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term ''user facility'' includes, but is not limited to:

(1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2));

(2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and

(3) any other Departmental facility designated by the Department as a user facility.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for fiscal year 2012.

SEC. 304. (a) SUBMISSION TO CONGRESS.—The Secretary of Energy shall submit to Congress each year, at the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years energy program reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years energy program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years. A future-years energy program shall be included in the fiscal year 2014 budget submission to Congress and every fiscal year thereafter.

(b) ELEMENTS.—Each future-years energy program shall contain the following:

(1) The estimated expenditures and proposed appropriations necessary to support programs, projects, and activities of the Secretary of Energy during the 5-fiscal year period covered by the program, expressed in a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(2) The estimated expenditures and proposed appropriations shaped by high-level, prioritized program and budgetary guidance that is consistent with the administration's policies and out year budget projections and reviewed by DOE's senior leadership to ensure that the future-years energy program is consistent and congruent with previously established program and budgetary guidance.

(3) A description of the anticipated workload requirements for each DOE national laboratory during the 5-fiscal year period.

(c) CONSISTENCY IN BUDGETING.—

(1) The Secretary of Energy shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Secretary of Energy in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31, United States Code, for any fiscal year, as shown in the future-years energy program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the administration included pursuant to paragraph (5) of section 1105(a) of such title in the budget submitted to Congress under that section for any fiscal year.

SEC. 305. Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost of the guarantee has been made;

''(B) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

''(C) a combination of one or more appropriations under subparagraph (A) and one or more payments from the borrower under subparagraph (B) has been made that is sufficient to cover the cost of the guarantee.''.

SEC. 306. Plant or construction projects for which amounts are made available under this and subsequent appropriation Acts with a current estimated cost of less than $10,000,000 are considered for purposes of section 4703 of Public Law 107–314 as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 4704 of Public Law 107–314 as a construction project with a current estimated cost of less than a minor construction threshold.

SEC. 307. In section 839b(h)(10)(B) of title 16, United States Code, strike ''$1,000,000'' and insert ''$5,000,000.''

(RESCISSION)

SEC. 308. None of the funds in this Act or any other Act shall be used to deposit funds in excess of $25,000,000 from any Federal royalties, rents, and bonuses derived from Federal onshore and off-shore oil and gas leases issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.) into the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund.

(RESCISSION)

SEC. 309. Of the amounts appropriated in this title, $73,700,000 are hereby rescinded, to reflect savings from the contractor pay freeze instituted by the Department. The Department shall allocate the rescission among the appropriations made in this title.

SEC. 310. Recipients of grants awarded by the Department in excess of $1,000,000 shall certify that they will, by the end of the fiscal year, upgrade the efficiency of their facilities by replacing any lighting that does not meet or exceed the energy efficiency standard for incandescent light bulbs set forth in section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295).

SEC. 311. (a) Any determination (including a determination made prior to the date of enactment of this Act) by the Secretary pursuant to section 3112(d)(2)(B) of the USEC Privatization Act (110 Stat. 1321–335), as amended, that the sale or transfer of uranium will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry shall be valid for not more than 2 calendar years subsequent to such determination.

(b) Not less than 30 days prior to the transfer, sale, barter, distribution, or other provision of uranium in any form for the purpose of accelerating cleanup at a Federal site, the Secretary shall notify the House and Senate Committees on Appropriations of the following:

(1) the amount of uranium to be transferred, sold, bartered, distributed, or otherwise provided;

(2) an estimate by the Secretary of the gross market value of the uranium on the expected date of the transfer, sale, barter, distribution, or other provision of the uranium;

(3) the expected date of transfer, sale, barter, distribution, or other provision of the uranium;

(4) the recipient of the uranium; and

(5) the value of the services the Secretary expects to receive in exchange for the uranium, including any reductions to the gross value of the uranium by the recipient.

(c) Not later than June 30, 2012, the Secretary shall submit to the House and Senate Committees on Appropriations a revised excess uranium inventory management plan for fiscal years 2013 through 2018.

(d) Not later than December 31, 2011 the Secretary shall submit to the House and Senate Committees on Appropriations a report evaluating the economic feasibility of re-enriching depleted uranium located at Federal sites.

SEC. 312. (a) The Secretary of Energy may allow a third party, on a fee-for-service basis, to operate and maintain a metering station of the Strategic Petroleum Reserve that is underutilized (as defined in section 102–75.50 of title 41, Code of Federal Regulations (or successor regulations)) and related equipment.

(b) Funds collected under subsection (a) shall be deposited in the general fund of the Treasury.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $58,024,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $29,130,000, to remain available until September 30, 2013: *Provided*, That within 90 days of enactment of this Act the Defense Nuclear Facilities Safety Board shall enter into an agreement for fiscal year 2012 and hereafter with the Office of the Inspector General of either the Nuclear Regulatory Commission or the Department of Energy for inspector general services.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $9,925,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $9,077,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $25,000), $1,027,240,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $899,726,000 in fiscal year 2012 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than $127,514,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $10,860,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $9,774,000 in fiscal year 2012 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than $1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,400,000 to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, $1,000,000.

NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out

activities authorized by subtitle V of title 40, United States Code, $1,275,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $213,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 401. (a) DEFINITIONS.—In this section:

(1) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Commission.

(2) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(3) SPENT FUEL POOL.—The term ''spent fuel pool'' means an underwater storage and cooling facility for spent (or depleted) fuel assemblies that have been removed from a reactor.

(b) As soon as practicable after the date of enactment of this Act, the Chairperson shall order licencees to, in accordance with the recommendations of the 90-day task force of the Commission, enhance spent fuel pools by:

(1) providing sufficient safety-related instrumentation that is able to withstand design-basis natural phenomena to monitor key spent fuel pool parameters (such as water level, temperature, and area radiation levels) from a control room;

(2) providing safety-related, alternating-current electrical power for the spent fuel pool makeup system;

(3) providing onsite emergency electrical power for spent fuel pools and instrumentation for cases in which there exists irradiated fuel in a spent fuel pool, regardless of the operational mode of the relevant reactor; and

(4) installing a seismically qualified means to spray water into spent fuel pools, including an easily accessible connection to supply the water (such as using a portable pump or pumper truck) at grade outside a relevant structure.

SEC. 402. Consistent with the findings of its 90 Day Task Force, the Nuclear Regulatory Commission shall order licensees to reevaluate the seismic, tsunami, flooding and other hazards at their sites as expeditiously as possible, and thereafter, at least once every 10 years, and the Commission shall require licensees to demonstrate to the Commission that the design basis of structures, systems, and components for each operating reactor meet current NRC requirements and guidance with regard to these threats. The Commission shall require licensees to update the design basis of structures, systems, and components for each operating reactor, if necessary.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

TITLE VI

ADDITIONAL FUNDING FOR DISASTER RELIEF

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $890,177,300, to remain available until expended for repair of damages to Federal projects: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That the amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) to dredge navigation channels and repair damage to Corps projects nationwide, $88,003,700, to remain available until expended: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That the amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to recent natural disasters as authorized by law, $66,387,000, to remain available until expended: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That the amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

This Act may be cited as the ''Energy and Water Development and Related Agencies Appropriations Act, 2012''.

DIVISION B—FINANCIAL SERVICES AND GENERAL GOVERNMENT

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for financial services and general government for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, $306,388,000, including for terrorism and financial intelligence activities; executive direction program activities; international affairs and economic policy activities; domestic finance and tax policy activities; and Treasury-wide management policies and programs activities: *Provided*, That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2013, is for information technology modernization requirements; not to exceed $200,000 is for official reception and representation expenses; $200,000 is to support international representation commitments of the Secretary; and not to exceed $258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: *Provided further*, That of the amount appropriated under this heading, $6,787,000, to remain available until September 30, 2013, is for the Treasury-wide Financial Statement Audit and Internal Control Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act: *Provided further*, That of the amount appropriated under this heading, $500,000, to remain available until September 30, 2013, is for secure space requirements: *Provided further*, That of the amount appropriated under this heading, up to $3,400,000, to remain available until September 30, 2014, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements: *Provided further*, That notwithstanding any other provision of law, up to $1,000,000, may be contributed to the Global Forum on Transparency and Exchange of Information for Tax Purposes, a Part II Program of the Organization for Economic Cooperation and Development, to cover the cost assessed by that organization for Treasury's participation therein: *Provided further*, That of the amount appropriated under this heading, up to $2,500,000 may be used for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.) and for information technology in support of acquisition workforce effectiveness and management.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $29,641,000, of which not to exceed $2,000,000 shall be available for official travel expenses, including hire of passenger motor vehicles; of which not to exceed $100,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector

General of the Treasury; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; $151,696,000, of which not to exceed $6,000,000 shall be available for official travel expenses; of which not to exceed $500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), $41,800,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses, including for course development, of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $110,788,000, of which not to exceed $34,335,000 shall remain available until September 30, 2014: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

TREASURY FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $750,000,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $217,805,000, of which not to exceed $4,210,000 shall remain available until September 30, 2013, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $99,878,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: *Provided*, That of the amount appropriated under this heading, $2,000,000 shall be for the costs of special law enforcement agents to target tobacco smuggling and other criminal diversion activities.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2012 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $20,000,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $173,635,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $10,000,000 shall remain available until September 30, 2014, for the Do Not Pay portal initiative: *Provided*, That the sum appropriated herein from the general fund for fiscal year 2012 shall be reduced by not more than $8,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at $165,635,000. In addition, $165,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103–325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, notwithstanding section 4707(e) of title 12, United States Code, $200,000,000, to remain available until September 30, 2013; of which $12,000,000 shall be for financial assistance, technical assistance, training and outreach programs, designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers; of which, notwithstanding sections 4707(d) and 4707(e) of title 12, United States Code, up to $22,000,000 shall be for a Healthy Food Financing Initiative to provide grants and loans to community development financial institutions for the purpose of offering affordable financing and technical assistance to expand the availability of healthy food options in distressed communities; of which up to $36,000,000 shall be for initiatives designed to enable individuals with low or moderate income levels to establish bank accounts and to improve access to the provision of bank accounts as authorized by sections 1204 and 1205 of Public Law 111–203; of which $19,000,000 shall be for the Bank Enterprise Award program; and of which up to $22,965,000 may be used for administrative expenses, including administration of the New Markets Tax Credit.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $2,195,522,000, of which not less than $6,100,000 shall be for the Tax Counseling for the Elderly Program, of which not less than $10,000,000 shall be available for low-income taxpayer clinic grants, of which not less than $12,000,000, to remain available until September 30, 2013, shall be available for a Community Volunteer Income Tax Assistance matching grants demonstration program for tax return preparation assistance, of which not less than $207,738,000 shall be available for operating expenses of the Taxpayer Advocate Service, and of which up to $6,000,000 may be transferred as necessary from this account to ''Health Insurance Tax Credit Administration'' upon advance notification of the Committees on Appropriations: *Provided*, That this transfer authority shall be in addition to any transfer authority provided in the Act: *Provided further*, That notwithstanding any other provision of law, the Secretary may publicize the low-income taxpayer clinic program and refer taxpayers to specific qualified low-income taxpayer clinics receiving funding under this heading.

ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $5,228,613,000, of which not less than $60,257,000 shall be for the Interagency Crime and Drug Enforcement program.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,893,216,000, of which up to $250,000,000 shall remain available until September 30, 2013, for information technology support; of which up to $65,000,000 shall remain available until expended for acquisition of real property, equipment, construction and renovation of facilities; of which not to exceed $1,000,000 shall remain available until September 30, 2014, for research; of which not less than $2,000,000 shall be for the Internal Revenue Service Oversight Board; of which not to exceed $25,000 shall be for official reception and representation expenses.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, $330,210,000, to remain available until September 30, 2014, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5

U.S.C. 3109: *Provided*, That, with the exception of labor costs, none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that:

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11;

(2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint;

(3) conforms with the Internal Revenue Service's enterprise life cycle methodology;

(4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget;

(5) has been reviewed by the Government Accountability Office; and

(6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $15,481,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading ''Enforcement'' may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 105. None of the funds made available in this Act may be used to enter into, renew, extend, administer, implement, enforce, or provide oversight of any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986).

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 106. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 107. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Special Inspector General for the Troubled Asset Relief Program, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 108. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 109. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 110. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 111. The Secretary of the Treasury may transfer funds from Financial Management Service, Salaries and Expenses to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 112. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking ''12 years'' and inserting ''14 years''.

SEC. 113. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing and Urban Affairs.

SEC. 114. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 115. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2011 until the enactment of the Intelligence Authorization Act for Fiscal Year 2012.

SEC. 116. Not to exceed $5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 117. The Secretary of the Treasury shall submit a Capital Investment Plan to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days following the submission of the annual budget for the Administration submitted by the President: *Provided*, That such Capital Investment Plan shall include capital investment spending from all accounts within the Department of the Treasury, including but not limited to the Department-wide Systems and Capital Investment Programs account, the Working Capital Fund account, and the Treasury Forfeiture Fund account: *Provided further*, That such Capital Investment Plan shall include expenditures occurring in previous fiscal years for each capital investment project that has not been fully completed.

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

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to 31 U.S.C. 1552.

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $57,851,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $13,536,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of

the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $990,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $4,192,000.

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council and the Homeland Security Council, including services as authorized by 5 U.S.C. 3109, $13,048,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $114,908,000, of which $10,670,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $90,833,000, of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

GOVERNMENT-WIDE MANAGEMENT COUNCILS

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse ''General Services Administration, Government-wide Policy'' with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2012 by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency and multi-agency groups designated by the Director, including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives: *Provided further*, That the total funds transferred or reimbursed shall not exceed $17,000,000: *Provided further*, That the funds transferred to or for reimbursement of ''General Services Administration, Government-wide Policy'' during fiscal year 2012 shall remain available for obligation through September 30, 2013: *Provided further*, That such transfers or reimbursements may only be made following written approval of the Committees on Appropriations of the House of Representatives and the Senate.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $26,125,000: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $238,522,000, to remain available until September 30, 2013, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas (''HIDTAs''), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy (''the Director''), of which up to $2,700,000 may be used for auditing services and associated activities (including up to $500,000 to ensure the continued operation and maintenance of the Performance Management System): *Provided further*, That, notwithstanding the requirements of Public Law 106–58, any unexpended funds obligated prior to fiscal year 2010 may be used for any other approved activities of that High Intensity Drug Trafficking Area, subject to reprogramming requirements: *Provided further*, That each High Intensity Drug Trafficking Area designated as of September 30, 2011, shall be funded at not less than the fiscal year 2011 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2012 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $105,950,000, to remain available until expended, which shall be available as follows: $92,600,000 for the Drug-Free Communities Program, of which $2,000,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by Public Law

109–469 (21 U.S.C. 1521 note); $1,400,000 for drug court training and technical assistance; $8,900,000 for anti-doping activities; $1,900,000 for the United States membership dues to the World Anti-Doping Agency; and $1,150,000 shall be made available as directed by section 1105 of Public Law 109–469.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $988,000, to remain available until September 30, 2013.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,328,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $307,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 201. From funds made available in this Act under the headings ''The White House'', ''Executive Residence at the White House'', ''White House Repair and Restoration'', ''Council of Economic Advisers'', ''National Security Council and Homeland Security Council'', ''Office of Administration'', ''Special Assistance to the President'', and ''Official Residence of the Vice President'', the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from ''Special Assistance to the President'' or ''Official Residence of the Vice President'' without the approval of the Vice President.

SEC. 202. The Director of the Office of National Drug Control Policy shall submit to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act, and prior to the initial obligation of more than 20 percent of the funds appropriated in any account under the heading ''Office of National Drug Control Policy'', a detailed narrative and financial plan on the proposed uses of all funds under the account by program, project, and activity: *Provided*, That the reports required by this section shall be updated and submitted to the Committees on Appropriations every 6 months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

SEC. 203. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 204. Not to exceed $1,000,000 of any appropriations in this Act made available to the Office of National Drug Control Policy may be reprogrammed within a program, project, or activity upon the advance approval of the Committees on Appropriations.

SEC. 205. From the unobligated balances of prior year appropriations made available for the Counterdrug Technology Assessment Center, $11,328,000 are rescinded.

This title may be cited as the ''Executive Office of the President Appropriations Act, 2012''.

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $74,819,000, of which $2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, $8,159,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $31,913,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $20,968,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, and the purchase of uniforms for Probation and Pretrial Services office staff, as authorized by law, $4,970,646,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $4,775,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A, and also under 18 U.S.C. 3599, in cases in which a defendant is charged with a crime that may be punishable by death; the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services under 18 U.S.C. 3006A(e), and also under 18 U.S.C. 3599(f) and (g)(2), in cases in which a defendant is charged with a crime that may be punishable by death; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem appointed under 18 U.S.C. 4100(b), acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences (18 U.S.C. 4100(b)); the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; and for necessary training and general administrative expenses, $1,034,182,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), $59,000,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702),

$500,000,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $82,000,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $27,000,000; of which $1,800,000 shall remain available through September 30, 2013, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $86,968,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $12,600,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $4,200,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $16,500,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for ''Courts of Appeals, District Courts, and Other Judicial Services'' shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Within 90 days after the date of the enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology Fund, which will establish the baseline for application of reprogramming and transfer authorities for the current fiscal year.

SEC. 305. Section 3314(a) of title 40, United States Code, shall be applied by substituting ''Federal'' for ''executive'' each place it appears.

SEC. 306. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 307. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended—

(1) in the third sentence (relating to the District of Kansas), by striking ''20 years'' and inserting ''21 years''; and

(2) in the seventh sentence (related to the District of Hawaii), by striking ''17 years'' and inserting ''18 years''.

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

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $30,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $14,900,000, to remain available until expended and in addition any funds that remain available from prior year appropriations under this heading for the District of Columbia Government, for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, including support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $230,319,000 to be allocated as follows: for the District of Columbia Court of Appeals, $12,830,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $111,687,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Court System, $66,712,000, of which not to exceed $2,500 is for official reception and representation expenses; and $39,090,000, to remain available until September 30, 2013, for capital improvements for District of Columbia courthouse facilities: *Provided*, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than $3,000,000 of the funds provided under this heading among the items and entities funded under this heading, but no such allocation shall be increased by more than 10 percent.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

(INCLUDING TRANSFER OF FUNDS)

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or

pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21–2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $55,000,000, to remain available until expended: *Provided,* That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *Provided further,* That not more than $10,000,000 of the funds provided in this account may be transferred to, and merged with, funds made available under the heading ''Federal Payment to the District of Colombia Courts'' for District of Columbia courthouse facilities.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $212,983,000, of which not to exceed $2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which $1,000,000 shall remain available until September 30, 2014 for relocation of the Pretrial Services Agency drug testing laboratory; of which $153,548,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $59,435,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That not less than $1,500,000 shall be available for re-entrant housing in the District of Columbia: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $37,241,000: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $15,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $1,800,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2013, to the Commission on Judicial Disabilities and Tenure, $295,000, and for the Judicial Nomination Commission, $205,000.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $60,000,000, to be allocated as follows: for the District of Columbia Public Schools, $20,000,000 to improve public school education in the District of Columbia, to remain available until expended; for the State Education Office, $20,000,000 to expand quality public charter schools in the District of Columbia, to remain available until expended; and for the Secretary of the Department of Education, $20,000,000 to provide opportunity scholarships for students in the District of Columbia in accordance with the Scholarships for Opportunity and Results Act (Public Law 112–10, division C, 125 Stat. 199), to remain available until expended.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, $375,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia (''General Fund''), except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, (114 Stat. 2440; D.C. Official Code, section 1–204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2012 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $10,911,966,000 (of which $6,208,646,000 shall be from local funds, (including $526,594,000 from dedicated taxes), $1,015,449,000 shall be from Federal grant funds, $1,499,115,000 from Medicaid payments, $2,040,504,000 shall be from other funds, and $25,677,000 shall be from private funds, and $122,575,000 shall be from funds previously appropriated in this Act as Federal payments: *Provided further,* That of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance: *Provided further*, That of these funds the District's intra-District authority shall be $619,632,000: in addition, for capital construction projects, an increase of $4,024,828,000, of which $2,934,012,000 shall be from local funds, $223,858,000 from the District of Columbia Highway Trust Fund, $50,466,000 from the Local Transportation Fund, $816,492,000 from Federal grant funds, and a rescission of $2,835,689,000 of which $1,796,345,000 shall be from local funds, $749,426,000 from Federal grant funds, $252,694,000 from the District of Columbia Highway Trust Fund, and $37,224,000 from the Local Transportation Fund appropriated under this heading in prior fiscal years, for a net amount of $1,189,139,000, to remain available until expended: *Provided further*, That the amounts provided under this heading are to be available, allocated, and expended as proposed under title III of the Fiscal Year 2012 Budget Request Act of 2011, at the rate set forth under ''District of Columbia Funds Division of Expenses'' as included in the of the Fiscal Year 2012 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2012, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the ''District of Columbia Appropriations Act, 2012''.

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., $2,900,000, to remain available until September 30, 2013, of which not to exceed $1,000,000 is for official reception and representation expenses.

CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Christopher Columbus Fellowship Foundation, established by section 423 of Public Law 102–281, $450,000, to remain available until expended.

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $240,000,000, to remain available until September 30, 2013, including not to exceed $3,000 for official reception and representation expenses, and not to exceed $25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, and of which $66,000,000 shall remain available for information technology investments until September 30, 2014.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $4,000 for official reception and representation expenses, $114,500,000.

ADMINISTRATIVE PROVISIONS—CONSUMER PRODUCT SAFETY COMMISSION

SEC. 501. Section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) is amended by adding at the end the following:

''(5) The Chairman may provide to officers and employees of the Commission who are appointed or assigned by the Commission to serve abroad (as defined in section 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902)) travel benefits similar to those authorized for members of the Foreign Service of the United Service under chapter 9 of such Act (22 U.S.C. 4081 et seq.).''.

SEC. 502. (a) The Consumer Product Safety Act (15 U.S.C. 2051 et seq.) is amended by inserting after section 17 the following:

''SEC. 17A. SERVICE OF PROCESS.

''(a) DESIGNATING AGENTS.—

''(1) IN GENERAL.—The Commission may require a manufacturer, or class of manufacturers, offering a consumer product for import to designate an agent in the United States on whom service of notices and process in administrative and judicial proceedings may be made.

''(2) FILING.—The designation shall be in writing and filed with the Commission.

''(3) MODIFICATION.—The designation may be changed in the same way originally made.

''(b) SERVICE.—

''(1) PLACE OF SERVICE.—An agent may be served at the agent's office or usual place of residence.

''(2) SERVICE ON AGENT IS SERVICE ON MANUFACTURER.—Service on the agent is deemed to be service on the manufacturer.

''(3) NO DESIGNATED AGENT.—If a manufacturer does not designate an agent, service may be made by posting the notice or process in the office of the Commission.''.

(b) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 17 the following:

''17A. Service of process.''.

SEC. 503. (a) Not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate, as a final consumer product safety standard under section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a))—

(1) a standard requiring button cell battery compartments of battery-operated or assisted consumer products to be secured, to the greatest extent practicable, in a manner that reduces access to button cell batteries by children that are 3 years of age or younger; and

(2) standards requiring warning labels—

(A) to be included in any literature that accompanies a battery-operated or assisted consumer product, such as a user manual;

(B) to be included on packaging for button cell batteries sold to consumers; and

(C) to be included, as practicable, directly on a battery-operated or assisted consumer product in a manner that is visible to the consumer upon installation or replacement of the button cell battery.

(b) Warning labels required under subsection (a) shall—

(1) clearly identify the hazard of ingestion; and

(2) instruct consumers, as practicable, to keep new and used batteries out of the reach of children and to seek immediate medical attention if a battery is ingested.

(c)(1) The standards required by subsection (a) shall be promulgated in accordance with section 553 of title 5, United States Code.

(2) The requirements of subsections (a) through (f) and (g)(1) of section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) shall not apply to the promulgation of the standards required by subsection (a) of this section.

(d) Each final consumer product safety standard required by subsection (a) shall apply to battery-operated or assisted consumer products manufactured on or after the date that is 1 year after the date on which the Commission promulgates the standard.

SEC. 504. Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an analysis of the potential safety risks associated with new and emerging consumer products, including chemicals and other materials used in their manufacture, taking into account the ability and authority of the Consumer Product Safety Commission—

(1) to identify, assess, and address such risks in a timely manner; and

(2) to keep abreast of the effects of new and emerging consumer products on public health and safety.

SEC. 505. Not later than 150 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an analysis of—

(1) the extent to which manufacturers comply with voluntary industry standards for consumer products, particularly with respect to inexpensive, imported products;

(2) whether there are consequences for such manufacturers for failing to comply with such standards;

(3) whether the Consumer Product Safety Commission has the authority and the ability to require compliance with such standards; and

(4) whether there are patterns of non-compliance with such standards among certain types of products or certain types of manufacturers.

SEC. 505. Not later than 540 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall—

(1) in consultation with representatives of consumer groups, window blind manufacturers, and independent engineers and experts, examine and assess the effectiveness of the ANSI/WCMA A100.1–2010 safety standard, as in effect on the day before the date of the enactment of this Act; and

(2) if the Commission determines that a more stringent standard for window coverings, or revised version of the standard described in paragraph (1), would eliminate the strangulation risk posed by corded window coverings, promulgate, in accordance with section 553 of title 5, United States Code, a window covering safety standard that is more stringent than the standard described in paragraph (1).

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107–252), $14,750,000, of which $3,250,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $354,181,000: *Provided*, That $354,181,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at $0: *Provided further*, That any offsetting collections received in excess of $354,181,000 in fiscal year 2012 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2011, shall not be available for obligation: *Provided further*, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $85,000,000 for fiscal year 2012: *Provided further*, That of the amount appropriated under this heading, not less than $11,721,000 shall be for the salaries and expenses of the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 510. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking ''December 31, 2011'', each place it appears and inserting ''December 31, 2013''.

SEC. 511. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $45,261,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $66,367,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $24,723,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $311,563,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $149,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed $21,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $141,563,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

Amounts in the Fund, including revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $8,144,967,000, of which: (1) $65,000,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses, and associated design and construction services): *Provided*, That the General Services Administration shall submit a detailed plan, by project, regarding the use of funds to the Committees on Appropriations of the House of Representatives and the Senate within 30 days of enactment of this section and will provide notification to the Committees within 15 days prior to any changes regarding the use of these funds; (2) $280,000,000, including $20,000,000 for a Judicial Capital Security program, to remain available until expended for repairs and alterations, which includes associated design and construction services: *Provided further*, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2013 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $126,801,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $5,285,198,000 for rental of space which shall remain available until expended; and (5) $2,387,968,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by 40 U.S.C. 3307(a), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2012, excluding reimbursements under 40 U.S.C. 592(b)(2) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; services as authorized by 5 U.S.C. 3109; and the Office of High Performance Green Buildings; $61,750,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; the Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses; $70,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $58,000,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

INFORMATION AND ENGAGEMENT FOR CITIZENS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Citizen Services and Innovative Technologies, including services authorized by 5 U.S.C. 3109, and for the necessary expenses in support of interagency projects that enable the Federal Government to conduct activities electronically, through the development and implementation of innovative uses of information technology, $39,084,000 to be deposited to the Federal Citizen Services Fund and that these funds may be transferred to Federal agencies to carry out the purpose of

the fund and this transfer authority shall be in addition to any other transfer authority provided in the Act: *Provided*, That the appropriations, revenues, reimburseables, and collections deposited into the Federal Citizen Services Fund shall only be available for necessary expenses of Federal Citizen Services and other information activities in the aggregate amount not to exceed $90,000,000: *Provided further*, That revenues and collections accruing to the Fund during fiscal year 2012 in excess of such amount shall remain available in the Fund without regard to fiscal year and shall not be available for expenditure except as authorized in appropriations acts.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, $3,671,000.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS AND RESCISSION)

SEC. 520. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 521. Funds in the Federal Buildings Fund made available for fiscal year 2012 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 522. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2013 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 523. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 524. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 525. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.

SEC. 526. Section 1703 of title 41 U.S.C. is amended in paragraph (i)(6) by:

(1) deleting ''for training''; and

(2) deleting ''paragraph (2)'' and inserting in lieu thereof ''subparagraphs (A) and (C) to (J) of section 1122(a)(5) of this title''.

SEC. 527. (a) The Administrator of General Services (Administrator), through a deed of release or other appropriate instrument, may release to the city of Tracy, California (the City) the reversionary interests retained by the United States, and all other terms, conditions, reservations, and restrictions imposed, in connection with the conveyance of the 200 acres conveyed pursuant to Public Law 105–277 section 140, as amended by Public Law 106–31 section 3034 and Public Law 108–199 section 411. The exact acreage and legal description of the parcel to be released under subsection (a) shall be determined by a survey that is satisfactory to the Administrator.

(b) As consideration for such release authorized under subsection (a), the City shall pay to the Administrator an amount not less than the property's appraised Fair Market Value as determined by the Administrator. The determination of the Administrator is final. The Administrator shall determine the property's Fair Market Value through an appraisal conducted by a licensed, independent appraiser. The appraisal shall be based on the property's highest and best use.

(c) As soon as practicable, but not more than 180 days after enactment of this Act, the City shall enter into a binding agreement with the Administrator for the conveyance described in subsection (a) of this section. The net proceeds from sale shall be deposited into the Federal Buildings Fund established under section 592 of title 40 of the United States Code.

(d) The City shall be responsible for reimbursing the Administrator for the costs associated with implementing this section, including the costs of appraisal and survey. The Administrator may require such additional terms and conditions in connection with the release under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

SEC. 528. Of the amounts made available under the heading ''Policy and Operations'' for the maintenance, protection, and disposal of the U.S. Coast Guard Service Center at Governor's Island, New York and the Lorton Correctional Facility in Lorton, Virginia in prior years whether approporated directly to the General Services Administration (GSA) or to any other agency of the Government and received by GSA for such purpose, $4,600,000 are rescinded.

SEC. 529. Within 120 days of enactment, the General Services Administration shall submit a detailed report to the Committees on Appropriations of the House of Representatives and the Senate that describes each program, project, or activity that is funded by appropriations to General Services Administration but is not under the control or direction, in statute or in practice, of the Administrator of General Services.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93–642, $700,000, to remain available until expended.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $40,258,000 together with not to exceed $2,345,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), $2,200,000, to remain available until expended, of which up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289) notwithstanding sections 8 and 9 of Public Law 102–259: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall and Stewart L. Udall Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $3,792,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for necessary expenses in connection with the operations and maintenance of the electronic records archives to include all direct project costs associated with research, program management, and corrective and adaptive software maintenance, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, $378,845,000: *Provided*, That all remaining balances appropriated in prior fiscal years under the heading ''Electronic Records Archives'' shall be transferred to this account.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110–409, 122 Stat. 4302–16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, $4,100,000.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $9,659,000, to

remain available until expended: *Provided*, That from amounts made available for the Military Personnel Records Center requirement study under this heading in Public Law 108–199, the remaining unobligated balances shall be available to implement the National Archives and Records Administration Capital Improvement Plan: *Provided further*, That from amounts made available under this heading in Public Law 111–8 for construction costs and related services for building the addition to the John F. Kennedy Presidential Library and Museum and other necessary expenses, including renovating the Library as needed in constructing the addition, the remaining unobligated balances shall be available to implement the National Archives and Records Administration Capital Improvement Plan.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $5,000,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2012, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)): *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2012 shall not exceed $1,250,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,247,000 shall be available until September 30, 2013 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $13,664,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management [OPM] pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of OPM and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $97,774,000, of which $6,004,000 shall remain available until expended for the Enterprise Human Resources Integration project, of which $642,000 may be for strengthening the capacity and capabilities of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 4001 et seq.)), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management, $1,416,000 shall remain available until expended for the Human Resources Line of Business project; and in addition $112,516,000 for administrative expenses, to be transferred from the appropriate trust funds of OPM without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of OPM established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2012, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $3,142,000, and in addition, not to exceed $21,174,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 107–304, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $18,972,000.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109–435), $14,304,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), $1,000,000, to remain available until September 30, 2013.

RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Recovery Accountability and Transparency Board to carry out the provisions of title XV of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), $28,400,000, to remain available until September 30, 2012.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,500 for official reception and representation expenses, $1,407,483,130, to remain available until expended; of which not less than $6,795,000 shall be for the Office of Inspector General; of which not to exceed $45,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; of which, $483,130 shall be for strengthening the capacity and capabilities of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic

and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence; *Provided*, That fees and charges authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $1,407,483,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2012 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2012 appropriation from the general fund estimated at not more than $0.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $23,984,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108–447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $404,202,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further*, That the Small Business Administration may accept gifts in an amount not to exceed $4,000,000 and may co-sponsor activities, each in accordance with section 132(a) of division K of Public Law 108-447, during fiscal year 2012: *Provided further*, That $112,774,000 shall be available to fund grants for performance in fiscal year 2012 or fiscal year 2013 as authorized by section 21 of the Small Business Act, of which $1,000,000 shall be for the Veterans Assistance and Services Program authorized by section 21(n) of the Small Business Act, as added by section 107 of Public Law 110–186, and of which $1,000,000 shall be for the Small Business Energy Efficiency Program authorized by section 1203(c) of Public Law 110–140: *Provided further*, That $21,956,000 shall remain available until September 30, 2013 for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: *Provided further*, That during fiscal year 2012, the applicable percentage under section 7(m)(4)(A) of the Small Business Act shall be 50 percent: *Provided further*, That $7,100,000 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2013: *Provided further*, That $2,000,000 shall be for the Federal and State Technology Partnership Program under section 34 of the Small Business Act (15 U.S.C. 657d).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $16,267,400.

OFFICE OF ADVOCACY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Advocacy in carrying out the provisions of title II of Public Law 94–305 (15 U.S.C. 634a et seq.) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), $9,120,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $3,678,000, to remain available until expended, and for the cost of guaranteed loans as authorized by section 7(a) of the Small Business Act and section 503 of the Small Business Investment Act of 1958, $206,862,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2012 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed $7,500,000,000: *Provided further*, That during fiscal year 2012 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed $17,500,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans: *Provided further*, That during fiscal year 2012 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed $3,000,000,000: *Provided further*, That during fiscal year 2012, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $147,958,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOAN PROGRAM ACCOUNT

For an additional amount for the ''Disaster Loans Program Account'' for the administrative costs of direct loans authorized by section 7(b) of the Small Business Act and resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $167,300,000, to remain available until expended, of which $1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be transferred to and merged with the appropriations for the Office of Inspector General; of which $157,300,000 is for direct administrative expense of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; of which $9,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses: *Provided*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 530. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $78,153,000, which shall not be available for obligation until October 1, 2012: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2012.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $241,468,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109–435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $51,469,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant

to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates a new program;

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

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose;

(5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;

(6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or

(7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That at a minimum, the report shall include:

(A) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(B) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and

(C) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2012 from appropriations made available for salaries and expenses for fiscal year 2012 in this Act, shall remain available through September 30, 2013, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under chapter 15 of title 41, United States Code shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in chapter 83 of title 41, United States Code (popularly known as the Buy American Act), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 103 of title 41, United States Code).

SEC. 614. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 615. The Public Company Accounting Oversight Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2011, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2012 shall remain available until expended.

SEC. 616. From the unobligated balances of prior year appropriations made available for the Privacy and Civil Liberties Oversight Board, $998,000 are rescinded.

SEC. 617. Notwithstanding section 708 of this Act, funds made available to the Commodity Futures Trading Commission and the Securities and Exchange Commission by this or any other Act may be used for the interagency funding and sponsorship of a joint advisory committee to advise on emerging regulatory issues.

SEC. 618. Section 1107 of title 31, United States Code, is amended by adding to the end thereof the following: ''The President shall transmit promptly to Congress without change, proposed deficiency and supplemental appropriations submitted to the President by the legislative branch and the judicial branch.''.

SEC. 619. Section 7 of the Abraham Lincoln Commemorative Coin Act (31 U.S.C. § 5112 note) is amended in subsection (b) by striking ''Abraham Lincoln Bicentennial Commission to further the work of the Commission'' and inserting ''Abraham Lincoln Bicentennial Foundation for the purposes of commemorating the bicentennial of the birth of Abraham Lincoln, and fostering and promoting the awareness and study of the life of Abraham Lincoln'' and in subsection (c) by striking ''Abraham Lincoln Bicentennial Commission'' and inserting ''Abraham Lincoln Bicentennial Foundation''.

SEC. 620. The Help America Vote Act of 2002 (Public Law 107–252) is amended by:

(1) inserting in section 255(b)(42 U.S.C. 15405) ''posted on the Commission's website with a notice'' after ''cause to have the plan'';

(2) inserting in section 253(d)(42 U.S.C. 15403) ''notice of'' prior to ''the State plan'';

(3) inserting in section 254(a)(11)(42 U.S.C. 15404) ''notice of'' prior to ''the change''; and

(4) inserting in section 254(a)(11)(C)(42 U.S.C. 15404) ''notice of'' prior to ''the change''.

SEC. 621. Section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (15 U.S.C. 18a note) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''The filing fees'' and inserting ''Subject to subsection (c), the filing fees'';

(B) in paragraph (1), by striking ''$45,000'' and inserting ''$60,000'';

(C) in paragraph (2)—

(i) by striking ''$125,000'' and inserting ''$160,000''; and

(ii) by striking ''and'' at the end;

(D) in paragraph (3)—

(i) by striking ''$280,000'' and inserting ''$360,000''; and

(ii) by striking the period at the end and inserting ''but less than $1,000,000,000 (as so adjusted and published); and''; and

(E) by adding at the end the following:

''(4) $500,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than $1,000,000,000 (as so adjusted and published).''; and

(2) by adding at the end the following:

''(c) For fiscal year 2013, and each fiscal year thereafter, the Federal Trade Commission shall publish in the Federal Register

and increase the amount of each filing fee under subsection (b) in the same manner and on the same dates as provided under section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)) to reflect the percentage change in the gross national product for the fiscal year as compared to the gross national product for fiscal year 2011, except that the Federal Trade Commission—

''(1) shall round any increase in a filing fee under this subsection to the nearest $5,000;

''(2) shall not increase filing fees under this subsection if the increase in the gross national product is less than 1 percent; and

''(3) shall not decrease filing fees under this subsection.''.

SEC. 622. None of the funds appropriated by this or any other Act shall be available for the purpose of conveying the headquarters building of the Federal Trade Commission (located at 600 Pennsylvania Avenue, Northwest, in the District of Columbia) to any entity unless the Administrator of the General Services Administration determines that such transaction is made in the best interest of the taxpayer. In making a final determination, the Administrator shall consider if the Federal Government would be compensated at least the Fair Market Value of such building as determined by the Administrator of the General Services. The Administrator shall determine the property's Fair Market Value through an appraisal conducted by a licensed, independent appraiser. The appraisal shall be based on the property's highest and best use. The Administrator shall also consider cost to the taxpayer for acquiring replacement space for the headquarters building of the Federal Trade Commission and for moving staff and operations to such replacement space. The determination of the Administrator shall be final.

TITLE VII
GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2012 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $13,179 except station wagons for which the maximum shall be $13,631: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles: *Provided further*, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on emerging motor vehicle technology, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person who owes allegiance to the United States: *Provided*, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: *Provided further*, That for purposes of subsections (2) and (3) such affidavits shall be submitted prior to employment and updated thereafter as necessary: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: *Provided further*, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2012, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2012, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2012, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2012 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2012 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2)

of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2011, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2011, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2011.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 711. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 712. Notwithstanding section 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 713. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to 5 U.S.C. 3302, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the National Geospatial-Intelligence Agency;

(5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(6) the Bureau of Intelligence and Research of the Department of State;

(7) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; or

(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 714. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 715. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants, personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 716. (a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': *Provided*, That notwithstanding the preceding provision of this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

(b) Effective 180 days after enactment of this Act, subsection (a) is amended by—

(1) striking ''Executive Order No. 12958'' and inserting ''Executive Order No. 13526 (75 Fed. Reg. 707), or any successor thereto''; and

(2) after ''the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents);'' inserting ''sections 7(c) and 8H of the Inspector General Act of 1978 (5 U.S.C. App.) (relating to disclosures to an inspector general, the inspectors general of the Intelligence Community, and Congress); section 103H(g)(3) of the National Security Act of 1947 (50 U.S.C. 403–3h(g)(3) (relating to disclosures to the inspector general of the Intelligence Community); sections 17(d)(5) and 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(5) and 403q(e)(3)) (relating to disclosures to the Inspector General of the Central Intelligence Agency and Congress);''.

(c) A nondisclosure agreement entered into before the effective date of the amendment in subsection (b) may continue to be implemented and enforced after that effective date if it complies with the requirements of subsection (a) that were in effect prior to the effective date of the amendment in subsection (b).

SEC. 717. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 718. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 719. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 720. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 721. (a) In this section, the term ''agency''—

(1) means an Executive agency, as defined under 5 U.S.C. 105;

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 722. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

SEC. 723. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 724. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 725. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided*, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 726. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 727. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 728. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 729. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 730. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 731. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 732. (a) For fiscal year 2012, no funds shall be available for transfers or reimbursements to the e-government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the Committees on Appropriations of the House of Representatives and the Senate.

(b) The report in subsection (a) and other required justification materials shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(c) No funds shall be available for obligation or expenditure for new e-government initiatives without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 733. Notwithstanding section 1346 of title 31, United States Code, and section 708 of this Act and any other provision of law, the head of each appropriate executive department and agency shall transfer to or reimburse the United States Fish and Wildlife Service, upon the direction of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the United States Fish and Wildlife Service, in consultation with the appropriate interagency groups designated by the Director and shall be used to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield by the United States Fish and Wildlife Service pursuant to an operational agreement

with the Federal Aviation Administration for the entirety of fiscal year 2012 and any period thereafter that precedes the enactment of the Financial Services and General Government Appropriations Act, 2013. The Director of the Office of Management and Budget shall mandate the necessary transfers after determining an equitable allocation between the appropriate executive departments and agencies of the responsibility for funding the continuous operation of the Midway Atoll Airfield based on, but not limited to, potential use, interest in maintaining aviation safety, and applicability to governmental operations and agency mission. The total funds transferred or reimbursed shall not exceed $6,000,000 for any 12-month period. Such sums shall be sufficient to ensure continued operation of the airfield throughout the period cited above. Funds shall be available for operation of the airfield or airfield-related capital upgrades. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of the House of Representatives and the Senate of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.

SEC. 734. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

SEC. 735. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 736. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) and regulations implementing that section.

SEC. 737. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91–508): *Provided*, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided further*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 738. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms ''Great Lakes'' and ''Great Lakes State'' have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term ''Great Lakes restoration activities'' means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 739. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 740. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled ''Competitive Area'' published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 741. Section 743 of the Consolidated Appropriations Act, 2010 (Public Law 111–117; 31 U.S.C. 501 note) is amended—

(1) in subsection (a)(3), by inserting after ''exercise of an option'' the following: '', and task orders issued under any such contract,'';

(2) in subsection (a)(3)(G), by inserting before the period at the end the following: '', using direct labor hours and associated cost data collected from contractors'';

(3) in subsection (e)(2)(B), by striking the text and inserting the following: ''the contracts exclude to the maximum extent practicable functions that are closely associated with inherently governmental functions;''; and

(4) by redesignating subsections (h) and (i) as subsections (i) and (j) and by inserting after subsection (g) the following new subsection:

''(h) SUBMISSION OF REPORT ON ACTIONS TAKEN BEFORE PUBLIC-PRIVATE COMPETITION MAY OCCUR.—An executive agency may not begin, plan for, or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation or directive until after that agency has submitted to the Office of Management and Budget a report, pursuant to subsection (f), that includes actions taken to convert from contractor to Federal employee performance functions that are not inherently governmental, closely associated with governmental functions, critical, or should not otherwise be reserved for performance by Federal employees. This subsection shall take effect beginning with the report required under subsection (f) that is included as an attachment to the annual inventory due by December 31, 2011.''.

SEC. 742. The Office of Management and Budget shall issue guidance, consistent with section 735 of division D of the Omnibus Appropriations Act, 2009, Public Law 111–8, and section 739(a)(1) of division D of the Consolidated Appropriations Act, 2008 (Public Law 110–161), and section 327 of the 2008 National Defense Authorization Act (Public Law 110–181), to prohibit the use of direct conversions to contract out, in whole or in part, activities or functions last performed by any number of Federal employees by an executive agency without first conducting a public-private competition. Such guidance shall ensure that—

(1) activities or functions performed by an executive agency and are reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially providing the same service, shall not be contacted out without first conducting a public-private conpetition;

(2) activities or functions performed by Federal employees for an executive agency may not be modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the activities or functions from the prohibition against the use of direct conversions; and

(3) activities or functions performed by Federal employees for an executive agency who have retired or been reassigned to perform other activities may not be converted to contractor performance without first conducting a public-private competition.

SEC. 743. During fiscal year 2012, for each employee who—

(1) retires under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code, or

(2) retires under any other provision of subchapter III of chapter 83 or chapter 84 of such title 5 and receives a payment as an incentive to separate, the separating agency shall remit to the Civil Service Retirement and Disability Fund an amount equal to the Office of Personnel Management's average unit cost of processing a retirement claim

for the preceding fiscal year. Such amounts shall be available until expended to the Office of Personnel Management and shall be deemed to be an administrative expense under section 8348(a)(1)(B) of title 5, United States Code.

SEC. 744. (a) DEFINITIONS.—In this section—

(1) the term ''agency''—

(A) means an Executive agency as defined under section 105 of title 5, United States Code; and

(B) does not apply to the Department of Defense; and

(2) the term ''Federal employee'' means an employee as defined under section 2105 of title 5, United States Code.

(b) PROHIBITION OF CERTAIN PERSONNEL MANAGEMENT LIMITATIONS.—

(1) IN GENERAL.—Federal employees in each agency shall be managed each fiscal year solely on the basis of, and consistent with—

(A) the workload required to carry out the functions and activities of that agency; and

(B) the funds made available to that agency for that fiscal year.

(2) PROHIBITION ON LIMITATIONS.—Notwithstanding any other provision of law—

(A) the management of Federal employees in any fiscal year shall not be subject to any limitation in terms of work years, full-time equivalent positions, or maximum number of Federal employees; and

(B) an agency may not be required to make a reduction in the number of full-time equivalent positions, unless that reduction is—

(i) necessary due to a reduction in funds available to the agency; or

(ii) required under a statute that—

(I) is enacted after the date of enactment of this Act; and

(II) specifically refers to this section.

(c) EMPLOYEE NUMBERS, SKILLS, AND QUALIFICATIONS.—In each fiscal year, the head of each agency shall ensure that there are employed during that fiscal year Federal employees in the number and with the combination of skills and qualifications that are necessary to carry out the functions within the applicable budget activity for which funds are provided for that fiscal year.

(d) REPORTS.—

(1) IN GENERAL.—Not later than February 1 of each year, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the management of the Federal workforce.

(2) CONTENTS.—Each report submitted under this subsection shall include a statement by the Director of the Office of Management and Budget with respect to the preceding fiscal year—

(A) on the compliance of agencies (including the Office of Management and Budget) with subsections (b) and (c); and

(B) that identifies any agency that was not in compliance with subsections (b) and (c).

(e) EFFECTIVE DATE.—This section shall apply to fiscal year 2012 and each fiscal year thereafter.

SEC. 745. Except as expressly provided otherwise, any reference to ''this Act'' contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

SEC. 801. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 802. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 803. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 804. (a) None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter.

SEC. 805. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) re-establishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations of the House of Representatives and the Senate are notified in writing 15 days in advance of the reprogramming.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 1, 2012.

SEC. 806. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 807. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 808. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

SEC. 809. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 810. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 811. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

SEC. 812. Hereafter, as part of the submission of the annual budget justification, the Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report addressing—

(1) crime, including the homicide rate, implementation of community policing, and the number of police officers on local beats;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs, the retention rates in treatment programs, and the recidivism/re-arrest rates for treatment participants;

(3) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools, repeated grade rates, high school graduation rates, and post-secondary education attendance rates;

(4) improvement in basic District services, including rat control and abatement; and

(5) application for and management of Federal grants, including the number and type of grants for which the District was eligible

but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received.

SEC. 813. None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

SEC. 814. None of the Federal funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 815. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2012 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 816. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, Sec. 1–204.42).

SEC. 817. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

SEC. 818. Notwithstanding any other laws, for this and succeeding fiscal years, the Director of the District of Columbia Public Defender Service shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an employee, member of the Board of Trustees, or officer of the District of Columbia Public Defender Service for money damages arising out of any claim, proceeding, or case at law relating to the furnishing of representational services or management services or related services while acting within the scope of that person's office or employment, including, but not limited to such claims, proceedings, or cases at law involving employment actions, injury, loss of liberty, property damage, loss of property, or personal injury, or death arising from malpractice or negligence of any such officer or employee.

SEC. 819. Section 346 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335) is amended—

(1) in the title, by striking ''BIENNIAL'';

(2) in subsection (a), by striking ''Biennial management'' and inserting ''Management'';

(3) in subsection (a), by striking ''States.'' and inserting ''States every five years.''; and

(4) in subsection (b)(6), by striking ''2'' and inserting ''5''.

SEC. 820. Except as expressly provided otherwise, any reference to ''this Act'' contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This Act may be cited as the ''Financial Services and General Government Appropriations Act, 2012''.

DIVISION C—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, $6,877,500,000, of which $1,400,000,000 is for Worldwide Security Protection (to remain available until expended): *Provided*, That funds made available under this heading shall be allocated as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed $700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, $2,387,854,000, to remain available until September 30, 2013, of which not less than $134,700,000 shall be available only for public diplomacy American salaries, and $205,900,000 is for Worldwide Security Protection and shall remain available until expended.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, $2,124,646,000, to remain available until September 30, 2013, of which not less than $360,602,000 shall be available only for public diplomacy international information programs.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, $865,000,000, to remain available until September 30, 2013.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, $1,500,000,000, to remain available until September 30, 2013, of which $1,194,100,000 is for Worldwide Security Protection and shall remain available until expended.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) not to exceed $1,753,991 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, $520,150, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;

(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(C) not to exceed $15,000, which shall be derived from reimbursements, surcharges and fees for use of Blair House facilities.

(6) TRANSFER, REPROGRAMMING, AND SPENDING PLAN.—

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed $10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading ''Emergencies in the Diplomatic and Consular Service'', to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $69,915,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $61,904,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $612,000,000, to remain available until expended: *Provided*, That not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $7,300,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $27,744,000, to remain available until September 30, 2013.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $795,000,000, to remain available until

expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided,* That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $775,000,000, to remain available until expended: *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the proposed allocation of funds made available under this heading and the actual and anticipated proceeds of sales for all projects in fiscal year 2012.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $9,300,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading ''Repatriation Loans Program Account'', subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,447,000, as authorized, of which $710,000 may be made available for administrative expenses necessary to carry out the direct loan program and may be paid to ''Diplomatic and Consular Programs'': *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $21,108,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, $158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,585,000,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further,* That notwithstanding any other provision of law, credits to United States assessed contributions to the United Nations Tax Equalization Fund should be used to offset other assessed contributions to the United Nations, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That any payment of arrearages under this heading shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,900,000,000, of which 15 percent shall remain available until September 30, 2013: *Provided*, That at least 15 days in advance of voting for a new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations shall be notified of the estimated cost and duration of the mission, the national interest that will be served, the exit strategy, and that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in the mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation or other violations of human rights, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission, including the prosecution in their home countries of such individuals in connection with such acts; and (2) notification pursuant to section 7015 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that American manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That the Secretary of State shall work with the United Nations and governments contributing peacekeeping troops to develop effective vetting procedures to ensure that troops have not violated human rights: *Provided further*, That notwithstanding any other provision of law, credits to United States assessed contributions to United Nations peacekeeping missions and to the United Nations Tax Equalization Fund should be used to offset other assessed contributions to the United Nations, subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $45,000,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $29,862,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by Public Law 103–182, $11,687,000: *Provided,* That of the amount provided under this heading for the International Joint Commission, $9,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $36,300,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors (BBG), as authorized, to carry out international communication activities, and to make and supervise grants for radio and television broadcasting to the Middle East, $740,039,000: *Provided*, That of the total amount in this heading, not less than $2,500,000 shall be used to expand unrestricted access to information on the Internet through the development and use of circumvention and secure communication technologies: *Provided further,* That the BBG shall coordinate the use of such technologies with the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate: *Provided further,* That the circumvention technologies and programs supported by funds made available by this Act or Public Law 112–10 shall undergo a peer review, to include an assessment of protections against such technologies being used for illicit purposes such as furthering the communications capabilities of extremist groups or their supporters: *Provided further,* That prior to obligation, the BBG shall submit to the Committees on Appropriations a report detailing planned expenditures for funds made available for such activities: *Provided further,* That not later than September 30, 2012, the BBG shall submit a report to the Committees on Appropriations listing programs supported by the BBG to promote unrestricted access to information through the Internet, including an assessment of the results of such programs: *Provided further,* That of the total amount appropriated under this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty: *Provided further*, That the authority provided by section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 6206 note) shall remain in effect through September 30, 2012: *Provided further,* That the BBG shall notify the Committees on Appropriations within 15 days of any determination by the Board that any of its broadcast entities, including its grantee organizations, provides an open platform for international terrorists or those who support international terrorism, or is in violation of the principles and standards set forth in the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b)) or the

entity's journalistic code of ethics: *Provided further,* That reductions and increases to BBG broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, and television), for all BBG language services shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to $2,000,000 in receipts from advertising and revenue from business ventures, up to $500,000 in receipts from cooperating international organizations, and up to $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, including to Cuba, as authorized, $9,361,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), $17,000,000, to remain available until expended, as authorized.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act, $31,589,000, to remain available until September 30, 2012, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, 2012, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2012, to remain available until expended: *Provided,* That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2012, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $16,700,000: *Provided,* That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, $117,764,000, to remain available until expended, of which $100,000,000 shall be allocated in the traditional and customary manner, including for the core institutes, and $25,000,000 shall be for democracy, human rights, and rule of law programs: *Provided*, That the President of the National Endowment for Democracy shall submit to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, $656,000, as authorized by section 1303 of Public Law 99–83.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $4,291,000, to remain available until September 30, 2013: *Provided*, That notwithstanding the expenditure limitation specified in section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)), the Commission may expend up to $250,000 of the funds made available under this heading to procure temporary and intermittent services under the authority of section 3109(b) of title 5, United States Code.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,715,000, to remain available until September 30, 2013.

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

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized by title III of the U.S.-China Relations Act of 2000 (22 U.S.C. 6911–6919), $1,996,000, including not more than $3,000 for the purpose of official representation, to remain available until September 30, 2013.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, as authorized by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), $3,493,000, including not more than $4,000 for the purpose of official representation, to remain available until September 30, 2013: *Provided,* That the second through sixth provisos under this heading in division F of Public Law 111–117 shall continue in effect during fiscal year 2012 and shall apply as if part of this Act.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $1,251,000,000, to remain available until September 30, 2013: *Provided*, That none of the funds appropriated under this heading and under the heading ''Capital Investment Fund'' in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development (USAID), unless the USAID Administrator has identified such proposed use of funds in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: *Provided further*, That any decision to open a new USAID mission, bureau, center, or office or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to ''Operating Expenses'' in accordance with the provisions of those sections: *Provided further,* That any reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, to the cost categories in the table included under this heading in the report accompanying this Act for funds appropriated under this heading, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated or made available under this heading, not to exceed $250,000 may be available for representation and entertainment allowances, of which not to exceed $5,000 may be available for entertainment allowances, for USAID during the current fiscal year: *Provided further*, That no such entertainment funds may be used for the purposes listed in section 7020 of this Act: *Provided further*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $137,000,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $49,000,000, to remain available until September 30, 2013, which

sum shall be available for the Office of Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2012, unless otherwise specified herein, as follows:

GLOBAL HEALTH PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $2,657,500,000, to remain available until September 30, 2013, and which shall be apportioned directly to the United States Agency for International Development (USAID): *Provided*, That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health institutions and organizations in developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: *Provided further*, That funds appropriated under this paragraph shall be made available for a United States contribution to the GAVI Alliance: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made no later than 6 months after enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That the ninth and tenth provisos under this heading in the Consolidated Appropriations Act, 2010 (Public Law 111–117) shall apply to funds appropriated under this heading in this Act: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $5,250,000,000, to remain available until September 30, 2015, which shall be apportioned directly to the Department of State: *Provided*, That of the funds appropriated under this paragraph, not less than $750,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2012 may be made available to USAID for technical assistance related to the activities of the Global Fund: *Provided further*, That of the funds appropriated under this paragraph, up to $14,250,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, 214, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $2,550,000,000, to remain available until September 30, 2013: *Provided*, That relevant bureaus and offices of the United States Agency for International Development (USAID) that support cross-cutting development programs shall coordinate such programs on a regular basis: *Provided further*, That funds appropriated by this Act shall be made available for water and sanitation supply projects pursuant to the Paul Simon Water for the Poor Act of 2005 (Public Law 109–121): *Provided further*, That funds appropriated by this Act for food security and agricultural development programs may be made available notwithstanding any other provision of law and shall be made available for a United States contribution to the endowment of the Global Crop Diversity Trust pursuant to section 3202 of Public Law 110–246: *Provided further*, That funds appropriated under this heading shall be made available for programs to improve women's leadership capacity in recipient countries.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $850,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $55,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: *Provided further*, That if the Secretary of State determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to enable the Administrator of the United States Agency for International Development (USAID), with the concurrence of the Secretary of State, to support programs and activities to prevent or respond to emerging or unforeseen complex crises overseas, $30,000,000, to remain available until expended: *Provided*, That the administrative authorities of the Foreign Assistance Act of 1961 shall be applicable to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available on such terms and conditions as the USAID Administrator may determine, in consultation with the Committees on Appropriations, for the purposes of preventing or responding to such crises, except that no funds shall be made available to respond to natural disasters: *Provided further*, That funds appropriated under this heading shall be made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided further*, That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act: *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be transmitted at least 5 days in advance of the obligation of funds.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $50,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading ''Assistance for Europe, Eurasia and Central Asia'': *Provided*, That funds provided under this paragraph and funds provided as a gift pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: *Provided further*, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section

306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading, except that the principal amount of loans made or guaranteed under this heading with respect to any single country or borrower shall not exceed $300,000,000: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $1,000,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $8,300,000, which may be transferred to, and merged with, funds made available under the heading ''Operating Expenses'' in title II of this Act: *Provided*, That funds made available under this heading shall remain available until September 30, 2014.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $4,378,560,000, to remain available until September 30, 2013: *Provided*, That of the funds appropriated under this heading, up to $250,000,000 shall be available for assistance for Egypt, which shall be for programs and activities (including to implement sections 7039(a)(3) and (b) of this Act) to reduce poverty and create jobs, strengthen democracy, and protect human rights, including not less than $35,000,000 for education programs of which not less than $10,000,000 is for scholarships at not-for-profit institutions for Egyptian students with high financial need: *Provided further*, That funds appropriated under this heading that are made available for assistance for Cyprus shall be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That $12,000,000 of the funds made available for assistance for Lebanon under this heading shall be for scholarships at not-for-profit institutions for students in Lebanon with high financial need: *Provided further*, That of the funds appropriated under this heading, not less than $360,000,000 shall be available for assistance for Jordan, including for programs and activities to reduce poverty and create jobs, strengthen democracy, and protect human rights: *Provided further*, That up to $30,000,000 of the funds appropriated for fiscal year 2011 under this heading in Public Law 112–10, division B, may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Tunisia, which are authorized to be provided: *Provided further*, That amounts that are made available under the previous proviso for the cost of guarantees shall not be considered ''assistance'' for the purposes of provisions of law limiting assistance to a country: *Provided further*, That none of the funds appropriated under this heading may be made available for the Palestinian Authority if Palestine becomes a member or non-member state of the United Nations outside of an agreement negotiated between Israel and the Palestinians: *Provided further*, That the Secretary may waive the previous proviso if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interests of the United States: *Provided further*, That of the funds appropriated under this heading, $179,000,000 shall be apportioned directly to the United States Agency for International Development for alternative development/institution building programs in Colombia: *Provided further*, That of the funds appropriated under this heading that are available for assistance for Colombia, not less than $8,000,000 shall be transferred to, and merged with, funds appropriated under the heading ''Migration and Refugee Assistance'' and shall be made available only for assistance to nongovernmental and international organizations that provide assistance to Colombian refugees in neighboring countries: *Provided further*, That of the funds appropriated under this heading, $15,000,000 may be made available for assistance for Cuba, including humanitarian and democracy assistance, support for economic reform, private sector initiatives, and human rights.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, $114,770,000, to remain available until September 30, 2013, of which $70,910,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and $43,860,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, $626,718,000, to remain available until September 30, 2013, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for countries identified in section 3 of the FREEDOM Support Act and section 3(c) of the SEED Act: *Provided*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further*, That funds made available for the Southern Caucasus region may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of conflicts, including in Nagorno-Karabakh: *Provided further*, That of the funds appropriated under this heading, not less than $7,000,000 shall be made available for humanitarian, conflict mitigation, human rights, civil society, and relief and reconstruction assistance for the North Caucasus.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses not otherwise provided for, to enable the Secretary of State to carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $1,700,000,000, to remain available until expended, of which $20,000,000 shall be made available for refugees resettling in Israel, and not less than $35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements of international and nongovernmental partners.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501–2523), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $375,000,000, of which $5,000,000 is for the Office of Inspector General, to remain available until September 30, 2013: *Provided*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed $5,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed $4,000 may be made available for entertainment expenses: *Provided further*, That not later than 45 days after enactment of this Act, the Director shall submit a spending plan to the Committees on Appropriations on the proposed uses of funds under this heading: *Provided further*, That none of the funds appropriated under this heading may be used to pay for abortions, except when the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

MILLENNIUM CHALLENGE CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, $898,200,000 to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to $105,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): *Provided further*, That up to 5 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for fiscal year 2012: *Provided further*, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further*, That the Chief Executive Officer of the Corporation shall notify the Committees on Appropriations not later than 15 days prior to signing any new country compact or new threshold country program; terminating or suspending any country compact or threshold country program; or commencing negotiations for any new compact or threshold country program: *Provided further*, That funds appropriated by this Act or any prior Act appropriating funds for the Department of State, foreign operations, and related programs that are made available for a Millennium Challenge Compact and that are suspended or terminated by the Chief Executive Officer of the Corporation shall be subject to the regular notification procedures of the Committees on Appropriations prior to re-obligation: *Provided further*, That none of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under this heading may be used for military assistance or military training, including for

assistance for military or paramilitary purposes and for assistance to military forces: *Provided further*, That of the funds appropriated under this heading, not to exceed $100,000 may be available for representation and entertainment allowances, of which not to exceed $5,000 may be available for entertainment allowances.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $22,500,000, to remain available until September 30, 2013: *Provided*, That of the funds appropriated under this heading, not to exceed $2,000 may be available for entertainment and representation allowances.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533), $30,000,000, to remain available until September 30, 2013: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $27,000,000, to remain available until September 30, 2013, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to part V of the Foreign Assistance Act of 1961, $15,000,000, to remain available until September 30, 2013.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $1,056,000,000, to remain available until September 30, 2013: *Provided*, That during fiscal year 2012, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country or international organization under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That notwithstanding any provision of this or any other Act, funds appropriated in prior years under the headings ''Andean Counterdrug Initiative'' and ''Andean Counterdrug Program'' shall be available for use in any country for which funds may be made available under this heading without regard to the geographic or purpose limitations under which such funds were originally appropriated, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That, notwithstanding any other provision of law, of the funds appropriated under this heading, $5,000,000 should be made available to combat piracy of United States copyrighted materials, consistent with the requirements of section 688(a) and (b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161): *Provided further*, That not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the operation and maintenance costs of aircraft utilized in Iraq in support of programs funded under this heading, a justification for not including such costs under the heading ''Diplomatic and Consular Programs'', and estimates for overhead costs associated with the Stabilization Operations and Security Sector Reform program: *Provided further*, That the concurrence of the Secretary of State shall be required for the provision of assistance which is comparable to assistance made available under this heading but which is provided under any other provision of law.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $685,500,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That the clearance of unexploded ordnance should prioritize areas where such ordnance was caused by the United States: *Provided further*, That of the funds made available under this heading, not to exceed $30,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, to promote bilateral and multilateral activities relating to nonproliferation, disarmament and weapons destruction: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: *Provided further*, That funds appropriated under this heading may be made available for public-private partnerships for conventional weapons and mine action by grant, cooperative agreement or contract: *Provided further*, That funds made available for demining and related activities, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further*, That funds appropriated under this heading that are available for ''Anti-terrorism Assistance'' and ''Export Control and Border Security'' shall remain available until September 30, 2013.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $262,000,000: *Provided*, That funds appropriated under this heading may be used, notwithstanding section 660 of such Act, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: *Provided further*, That funds appropriated under this heading may be used to pay assessed expenses of international peacekeeping activities in Somalia and shall be available until September 30, 2013: *Provided further*, That funds appropriated under this Act should not be used to support any military training or operations that include child soldiers: *Provided further*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $105,788,000: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds made available under this heading for assistance for Angola, Bahrain, Bangladesh, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia, Guatemala, Guinea, Haiti, Indonesia, Kenya, Libya, Nepal, Nigeria, and Sri Lanka may only be provided through the regular notification procedures of the Committees on Appropriations and any such notification shall include a detailed description of proposed activities: *Provided further*, That of the funds appropriated under this heading, not to exceed $55,000 may be available for entertainment allowances.

FOREIGN MILITARY FINANCING PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $5,346,000,000: *Provided*, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: *Provided further*, That of the funds appropriated under this heading, not less than $3,075,000,000 shall be available for grants only for Israel, and up to $1,300,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: *Provided further*, That prior to the obligation of funds appropriated under this heading for assistance for Egypt, the Secretary of State shall certify to the Committees on Appropriations that the Governments of the United States and Egypt have agreed upon the specific uses of such funds, that such funds further the national interests of the United States in Egypt and the region, and that the Government of Egypt has held free and fair elections and is implementing policies to protect the rights of journalists, due process, and freedoms of expression and association: *Provided further*, That the funds appropriated under this heading for assistance for Israel shall be disbursed within 30 days of enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than $808,725,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That funds appropriated under this heading estimated to be outlayed for Egypt during fiscal year 2012 may be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act: *Provided further*, That of the funds appropriated under this heading, $300,000,000 shall be made available for assistance for Jordan: *Provided further*, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) unless the Secretary of State, in consultation with the Secretary of Defense, has justified such program to the Committees on Appropriations: *Provided further*, That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That none of the funds appropriated under this heading may be made available for assistance for Nepal, Sri Lanka, Pakistan, Bangladesh, Bahrain, Philippines, Indonesia, Haiti, Guatemala, Honduras, Ethiopia, Cambodia, Kenya, Chad, and the Democratic Republic of the Congo except pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $62,800,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading for general costs of administering military assistance and sales, not to exceed $4,000 may be available for entertainment expenses and not to exceed $130,000 may be available for representation allowances: *Provided further*, That not more than $836,900,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2012 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That, with respect to the previous proviso, up to $100,000,000 of such funds may be transferred to the Special Defense Acquisition Fund pursuant to section 51 of the Arms Export Control Act.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $352,950,000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility by the Secretary of the Treasury, $120,000,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in portion of the increases in capital stock, $117,364,344, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $2,928,990,899.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,355,000,000, to remain available until expended.

For payment to the International Development Association by the Secretary of the Treasury for costs incurred under the Multilateral Debt Relief Initiative, $167,000,000, to remain available until expended.

CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Clean Technology Fund by the Secretary of the Treasury, $350,000,000, to remain available until expended.

CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Strategic Climate Fund by the Secretary of the Treasury, $100,000,000, to remain available until expended.

GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

For payment to the Global Agriculture and Food Security Program by the Secretary of the Treasury, $200,000,000, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $25,000,000, to remain available until expended.

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, $4,670,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $4,098,794,833.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, $25,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of increase in capital stock, $106,586,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without

fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,558,048,769.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank's Asian Development Fund by the Secretary of the Treasury, $100,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $32,417,720, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $507,860,808.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $125,000,000, to remain available until expended.

For payment to the African Development Fund by the Secretary of the Treasury for costs incurred under the Multilateral Debt Relief Initiative, $7,500,000, to remain available until expended.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital of the United States share of such capital in an amount not to exceed $1,252,331,952.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, $30,000,000, to remain available until expended.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,000,000, to remain available until September 30, 2013.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further*, That the use of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank during the current fiscal year should not result in greenhouse gas emissions from the extraction or production of fossil fuels and the use of fossil fuels in electricity generation exceeding the total amount of such emissions resulting from the use of such authority during fiscal year 2010, unless not less than 15 days prior to the use of such authority the Export-Import Bank provides written notification to the Committees on Appropriations that the use of such authority would result in greenhouse gas emissions exceeding such amount and indicating the amount of the increase, and posts such notification on the Bank's Web site: *Provided further*, That not less than 10 percent of such aggregate should be used for renewable energy technology and end-use energy efficiency technologies: *Provided further*, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2012: *Provided further*, That notwithstanding the dates specified in section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 6350 and section 1(c) of Public Law 103–428), the Export-Import Bank of the United States shall continue to exercise its functions in connection with and in furtherance of its objects and purposes through September 30, 2012.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed $58,000,000: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds shall remain available until September 30, 2027, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2012, 2013, 2014, and 2015: *Provided further*, That none of the funds appropriated by this Act or any prior Acts appropriating funds for the Department of State, foreign operations, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed $89,900,000: *Provided*, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2012: *Provided further*, That the Export-Import Bank shall charge fees for necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal, financial, or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That, in addition to other funds appropriated for administrative expenses, such fees shall be credited to this account, to remain available until expended.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0: *Provided further*, That amounts collected in fiscal year 2012 in excess of obligations, up to $50,000,000, shall become available on September 1, 2012 and shall remain available until September 30, 2015.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $54,990,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $29,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2012, 2013, and 2014: *Provided further*, That funds so obligated in fiscal year 2012 remain available for disbursement through 2020; funds obligated in fiscal year 2013 remain available for disbursement through 2021; and funds obligated in fiscal year 2014 remain available for disbursement through 2022: *Provided further*, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until September 30, 2013: *Provided*, That of the funds appropriated under this heading, not more than $4,000 may be available for representation and entertainment allowances.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all expired and unexpired funds received by such department or agency in fiscal year 2012 or any previous fiscal year: *Provided*, That for the purposes of this section, obligated balances shall not include obligations made through bilateral agreements unless further sub-obligated.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

EMBASSY CONSTRUCTION

SEC. 7004. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

(c) For the purposes of calculating the fiscal year 2012 costs of providing new United States diplomatic facilities in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares in a manner that is proportional to the Department of State's contribution for this purpose.

(d) Funds appropriated by this Act, and any prior Act making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property for diplomatic facilities in Afghanistan, Pakistan, and Iraq, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(e) Section 604(e)(1) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note) is amended by striking ''providing new,'' and inserting in its place ''providing, maintaining, repairing, and renovating''.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

LOCAL GUARD CONTRACTS

SEC. 7006. In evaluating proposals for local guard contracts, the Secretary of State shall award contracts in accordance with section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864), except that the Secretary may grant authorization to award such contracts on the basis of best value as determined by a cost-technical tradeoff analysis (as described in Federal Acquisition Regulation part 15.101) in Iraq, Afghanistan, and Pakistan, notwithstanding subsection (c)(3) of such section: *Provided*, That the authority in this section shall apply to any options for renewal that may be exercised under such contracts that are awarded during the current fiscal year: *Provided further*, That prior to issuing a solicitation for a contract to be awarded pursuant to the authority under this section, the Secretary of State shall consult with the Committees on Appropriations.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

COUPS D'ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree, or a coup d'état or decree that is supported by the military: *Provided*, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—

(1) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(2) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7015(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) EXPORT FINANCING TRANSFER AUTHORITIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2012, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—

(1) None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(3) Any agreement entered into by the United States Agency for International Development (USAID) or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of $1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Global Health Programs'', ''Development Assistance'', and ''Economic Support Fund'' shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated

under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Inspector General (IG) for the agency receiving the transfer or allocation of such funds, or other entity with audit responsibility if the receiving agency does not have an IG, shall perform periodic program and financial audits of the use of such funds: *Provided,* That funds transferred under such authority may be made available for the cost of such audits.

REPORTING REQUIREMENT

SEC. 7010. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2012, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peacekeeping Operations'', and ''Pakistan Counter-Insurgency Fund'': *Provided*, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided,* That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 661, section 667, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings ''Assistance for Europe, Eurasia and Central Asia'' and ''Development Credit Authority'', shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further,* That notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially allocated or obligated before the expiration of their respective periods of availability contained in this Act.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2011 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2012 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms ''taxes'' and ''taxation'' refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term ''bilateral agreement'' refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

RESERVATIONS OF FUNDS

SEC. 7014. (a) Funds appropriated under titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development (USAID) that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the USAID Administrator determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

REPROGRAMMING NOTIFICATION REQUIREMENTS

SEC. 7015. (a) None of the funds made available in title I of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates new programs;

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

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

(4) relocates an office or employees;

(5) closes or opens a mission or post;

(6) creates, reorganizes, or renames bureaus, centers, or offices;

(7) reorganizes programs or activities; or

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

(b) None of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agency or department funded under title I of this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States

derived by the collection of fees available to the agency or department funded under title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, that:

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

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

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

(c) None of the funds made available under titles II through VI and VIII in this Act under the headings ''Global Health Programs'', ''Development Assistance'', ''International Organizations and Programs'', ''Trade and Development Agency'', ''International Narcotics Control and Law Enforcement'', ''Assistance for Europe, Eurasia and Central Asia'', ''Economic Support Fund'', ''Democracy Fund'', ''Peacekeeping Operations'', ''Capital Investment Fund'', ''Operating Expenses'', ''Conflict Stabilization Operations'', ''Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Millennium Challenge Corporation'', ''Global Security Contingency Fund'', ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Pakistan Counter-Insurgency Capability Fund'', and ''Peace Corps'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That requirements of this subsection or any similar provision of this or any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles II through IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

(d) Notwithstanding any other provision of law, with the exception of funds transferred to, and merged with, funds appropriated under title I of this Act, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations, and funds made available for programs authorized by section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) None of the funds appropriated under titles III through VI and VIII of this Act shall be obligated or expended for assistance for Serbia, Sudan, South Sudan, Zimbabwe, Afghanistan, Pakistan, Cuba, Iran, Haiti, Libya, Ethiopia, Nepal, Colombia, Burma, Yemen, Mexico, Kazakhstan, Uzbekistan, Somalia, Sri Lanka, or Cambodia except as provided through the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles III through VI of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2013.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of such funds by any such country or organization would violate any provisions related to abortions and involuntary sterilizations in section 104(f)(1), (2), and (3) of such Act.

ALLOCATIONS

SEC. 7019. (a) Funds provided in this Act shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act.

(b) For the purposes of implementing this section and only with respect to the tables included in the report accompanying this Act, the Secretary of State, the Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 7020. None of the funds appropriated or otherwise made available by this Act under the headings ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities or under the headings ''Global Health Programs'', ''Development Assistance'', and ''Economic Support Fund'' may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EXPORTS.—

(1) None of the funds appropriated or otherwise made available by titles III through VI of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979: *Provided*, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: *Provided further*, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(2) Assistance restricted by paragraph (1) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interests of the United States.

(3) Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

(b) BILATERAL ASSISTANCE.—

(1) Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such title in prior acts making appropriations for the Department of State, foreign operations, and related programs, shall not be made available to any foreign government which the President determines—

(A) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(B) otherwise supports international terrorism.

(2) The President may waive the application of paragraph (1) to a government if the President determines that national security or humanitarian reasons justify such waiver: *Provided*, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION REQUIREMENTS

SEC. 7022. Funds appropriated by this Act, except funds appropriated under the heading ''Trade and Development Agency'', may be obligated and expended notwithstanding section 10 of Public Law 91–672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7023. For the purpose of titles II through VI of this Act ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: ''Economic Support Fund'' and ''Foreign Military Financing Program'', ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development ''program, project, and activity'' shall also be considered to include central, country, regional, and program level funding, either as:

(1) justified to the Congress; or

(2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 7024. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act: *Provided*, That the agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7025. (a) None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations: *Provided further*, That this subsection shall not prohibit—

(1) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(2) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States;

(2) research activities intended primarily to benefit American producers;

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

SEPARATE ACCOUNTS

SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development (USAID) shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The USAID Administrator shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the regular notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Section 123 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u) is amended by adding the following new subsection at the end:

''(i)(1) Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from—

''(A) funds made available to carry out this chapter and chapters 10, 11, and 12 of part I and chapter 4 of part II; or

''(B) funds made available for economic assistance activities under the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

''(2) The President shall submit to Congress, in accordance with section 634A, advance notice of an intent to obligate funds under the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations.

''(3) This subsection shall not apply—

''(A) with respect to section 620A of this Act or any comparable provision of law prohibiting assistance to governments that support international terrorism; or

''(B) with respect to section 116 of this Act or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

''(4) Nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilization contained in this or any other Act.''.

(b) PUBLIC LAW 480.—During fiscal year 2012, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Food for Peace Act (Public Law 83–480, as amended): *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7028. None of the funds appropriated under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7029. (a) None of the funds appropriated under title V of this Act may be made as payment to any international financial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation such executive director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States executive director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) Of the funds appropriated under title V of this Act that are available for payments to international financial institutions, 10 percent should not be obligated for any such institution until the Secretary of the Treasury reports to the Committees on Appropriations that the institution is implementing effective practices to protect whistleblowers (including the institution's employees and others affected by the institution's operations) from retaliation for internal and lawful public disclosures, including—

(1) best practices for legal burdens of proof;

(2) access to independent adjudicative bodies, including external arbitration based on consensus selection and shared costs;

(3) results that eliminate the effects of proven retaliation; and

(4) a minimum of a 6-month statute of limitations for reporting retaliation.

(c) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to oppose any loan, grant, strategy or policy of such institution that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, care and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal health, in connection with such institution's financing programs.

(d) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (the Fund) to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on healthcare or education; and to promote government spending on healthcare, education, agriculture and food security, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

(e) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose any assistance by such institutions, using funds appropriated or made available pursuant to titles III through VI of this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

(f) For the purposes of this Act ''international financial institutions'' shall mean the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Asian Development Fund, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank and the African Development Fund.

DEBT-FOR-DEVELOPMENT

SEC. 7030. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 7031. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section: *Provided*, That such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

SPECIAL PROVISIONS

SEC. 7032. (a) AFGHANISTAN, PAKISTAN, IRAQ, LEBANON, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated under titles III through VI of this Act that are made available for assistance for Afghanistan may be made available

notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated under titles III and VI of this Act that are made available for assistance for Pakistan, Iraq, and Lebanon and for victims of war, displaced children, displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law except section 620M of the Foreign Assistance Act, as amended by this Act.

(b) WAIVER.—

(1) The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the President pro tempore of the Senate, the Speaker of the House of Representatives, and the Committees on Appropriations that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(3) Not later than 30 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations specific recommendations on appropriate actions to be taken with respect to the Palestine Liberation Organization's status in the United States, especially about the closing of its office, if Palestine seeks to become a member or non-member state of the United Nations outside an agreement negotiated between Israel and the Palestinians.

(c) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development (USAID) may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(d) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other subnational entity emerging from instability, as well as a nation emerging from instability.

(e) EXTENSION OF AUTHORITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) In section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''and 2011'' and inserting ''2011, and 2012''; and

(B) in subsection (e), by striking ''June 1, 2011'' each place it appears and inserting ''October 1, 2012''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''2011'' and inserting ''2012''.

(f) WORLD FOOD PROGRAM.—Funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance, USAID, from this or any other Act, shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(g) DISARMAMENT, DEMOBILIZATION AND REINTEGRATION.—Notwithstanding any other provision of law, regulation or Executive order, funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Economic Support Fund'', ''Peacekeeping Operations'', ''International Disaster Assistance'', and ''Transition Initiatives'' should be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this subsection: *Provided further*, That for the purposes of this subsection the term ''foreign terrorist organization'' means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(h) CONTINGENCIES.—During fiscal year 2012, the President may use up to $75,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(i) CONSOLIDATION OF REPORTS.—The Secretary of State, in coordination with the USAID Administrator, shall submit to the Committees on Appropriations not later than 90 days after enactment of this Act recommendations for the consolidation or combination of reports (including plans and strategies) that are called for by any provision of law to be submitted to the Congress and that are substantially duplicative of others called for by any other provision of law: *Provided*, That reports are considered ''substantially duplicative'' if they are required to address at least more than half of the same substantive factors, criteria and issues that are required to be addressed by any other report, and any such consolidated report must address all the substantive factors, criteria and issues required to be addressed in each of the individual reports: *Provided further*, That reports affected by this subsection are those within the purview of, or prepared primarily by, the Department of State and USAID and that relate to matters addressed under this Act or any other Act authorizing or appropriating funds for use by, or actions of, the Department of State or USAID.

(j) PROMOTION OF DEMOCRACY.—

(1) Funds made available by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy, any regulation.

(2) For the purposes of funds appropriated by this Act, the term ''promotion of democracy'' means programs that support good governance, human rights, independent media, and the rule of law, and otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, institutions, and practices that are responsive and accountable to citizens.

(3) With respect to the provision of assistance for democracy, human rights and governance activities in this Act, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the government of any foreign country.

(4) Of the funds appropriated under the heading ''Economic Support Fund'', up to $25,000,000 shall be made available to the Bureau of Democracy, Human Rights and Labor for programs to promote human rights by expanding open and uncensored access to information and communication through the Internet, mobile phones, and other connection technologies including digital safety training, policy and advocacy, and the development of circumvention and secure communication technologies, as identified in the Department of State's Internet freedom strategy: *Provided*, That funds made available by this section should be matched by sources other than the United States Government, as appropriate: *Provided further*, That the Secretary of State shall coordinate the uses of circumvention and secure communications technologies with the Administrator of the United States Agency for International Development (USAID) and the Broadcasting Board of Governors, as appropriate: *Provided further*, That the circumvention technologies and programs supported by funds made available by this Act, Public Law 111–117 or Public Law 112–10 shall undergo a peer review, to include an assessment of the protection against such technologies being used for illicit purposes, including to further the communications capabilities of extremist groups or their supporters: *Provided further*, That prior to the obligation of funds, the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures of funds made available for activities to promote Internet freedom: *Provided further*, That not later than September 30, 2012, the Secretary of State, in coordination with the USAID Administrator, shall submit a report to the Committees on Appropriations listing programs supported by the Department of State and USAID to promote Internet freedom, including an assessment of the results of such programs, and detailing how such programs further, and are coordinated with cyber diplomacy and the United States International Strategy for Cyberspace.

(k) ACCOUNTABILITY REVIEW BOARDS.—The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect through September 30, 2012.

(l) PARTNER VETTING.—The provisions of section 7034(o) of division F of Public Law 111–117 shall remain in effect through fiscal year 2012.

(m) MOTOR VEHICLE POLLUTION CONTROL.—Not later than 90 days after enactment of this Act, the head of each United States Government agency that receives funds appropriated by this Act shall establish a policy to eliminate unnecessary idling of motor vehicles owned or leased by such department or agency, and provide a copy of such policy to the Committees on Appropriations including an estimate of the amount of annual fuel savings that will result from such policy: *Provided*, That such policy may include exceptions to accommodate important security, health, or safety concerns, and if necessary to perform an important job function, ensure safe operating conditions, or to operate a motor vehicle in accordance with manufacturer specifications.

(n) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.—The Secretary of State shall implement section 203(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457): *Provided*, That in determining whether to suspend the issuance of A–3 or G–5 visas to applicants seeking to work for officials of a diplomatic mission or international organization, the Secretary shall consider whether a final court judgment has been issued against a current or former employee of such mission or organization (and the time period for a final appeal has expired) or whether the Department of State has requested that immunity of individual diplomats or family members be waived to permit criminal prosecution: *Provided further*, That the Secretary should continue to assist in obtaining payment of final court judgments awarded to A–3 and G–5 visa holders, including encouraging the sending states to provide compensation directly to victims: *Provided further*, That the Secretary shall include, in a manner the Secretary deems appropriate, all trafficking cases involving A–3 or G–5 visa holders in the Trafficking in Persons annual report for which a

final civil judgment has been issued (and the time period for final appeal has expired) or the Department of Justice has determined that the United States Government would seek to indict the diplomat or a family member but for diplomatic immunity.

(o) MODIFICATION OF AMENDMENT.—Section 620J of the Foreign Assistance Act of 1961 (Limitation on Assistance to Security Forces) is amended as follows:

(1) by redesignating the section as section 620M;

(2) in subsection (a), by striking ''evidence'' and inserting ''information'' and by striking ''gross violations'' and inserting ''a gross violation'';

(3) in subsection (b), by striking ''measures'' and inserting ''steps''; and

(4) by adding the following subsections:

''(d) CREDIBLE INFORMATION.—Not later than 180 days after the enactment of this section, the Secretary shall establish, and periodically update, procedures to—

''(1) ensure that for each country the Department of State has a current list of all security force units receiving United States training, equipment, or other types of assistance;

''(2) facilitate receipt by the Department of State and United States embassies of information from individuals and organizations outside the United States Government about gross violations of human rights by security force units;

''(3) routinely request and obtain such information from the Department of Defense, the Central Intelligence Agency, and other United States Government sources;

''(4) ensure that such information is evaluated and preserved;

''(5) ensure that when vetting an individual for eligibility to receive United States training the individual's unit is also vetted;

''(6) seek to identify the unit involved when credible information of a gross violation exists but the identity of the unit is lacking; and

''(7) make publicly available, to the maximum extent practicable, the identity of those units for which the Secretary has credible information.

''(e) REPORT.—The Secretary shall provide a copy of the procedures to the Committees on Appropriations.''

(p) SECTIONS REPEALED.—Sections 494, 495, and 495B through 495K of the Foreign Assistance Act of 1961 are hereby repealed.

(q) ANNUITANT WAIVER.—

(1) Section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) is amended in subsection (g)—

(A) in paragraph (1)(B), by inserting ''to positions in the Response Readiness Corps,'' before ''or to posts vacated''; and

(B) in paragraph (2), by striking ''2011'' and inserting in lieu thereof ''2013''.

(2) Section 61 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733) is amended in subsection (a)—

(A) in paragraph (1), by inserting ''to positions in the Response Readiness Corps,'' before ''or to posts vacated''; and

(B) in paragraph (2), by striking ''2011'' and inserting in lieu thereof ''2013''.

(3) Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended in subsection (j)(1)—

(A) in subparagraph (A), by inserting ''to positions in the Response Readiness Corps,'' before ''or to posts vacated''; and

(B) in subparagraph (B), by striking ''2011'' and inserting in lieu thereof ''2013''.

(r) INCENTIVES FOR CRITICAL POSTS.—The authority contained in section 1115(d) of Public Law 111–32 shall remain in effect through fiscal year 2012.

(s) REPORTS REPEALED.—Section 4(b) of Public Law 79–264; section 51(a)(2) of Public Law 84–885; sections 133(d), 620C(c) and 620F(c) of Public Law 87–195; section 807 of Public Law 98–164; section 704(c) of Public Law 101–179; section 104 of Public Law 102–511; section 560(g) of Public Law 103–87; sections 514(a) and 527(f) of Public Law 103–236; section 605(c) of Appendix G, Public Law 106–113; sections 3203 and 3204(f) of division B of Public Law 106–246; section 564(g)(4) of Public Law 106–429; section 304(f) of Public Law 107–173; sections 694(a), 694(b), 702, 704 and 1321 of Public Law 107–228; and section 409(c) of Public Law 108–447 are hereby repealed.

(t) FEE.—Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) is amended by striking ''2011'' and inserting instead ''2012''.

(u) CONFLICT STABILIZATION OPERATIONS AUTHORITY.—Of the funds appropriated in title I of this Act under the heading ''Diplomatic and Consular Programs'', up to $35,000,000, to remain available until expended, may be made available pursuant to the authorities under the heading ''Civilian Stabilization Initiative'' in title I of division F of Public Law 111–117: *Provided*, That the third and fourth proviso under such heading shall not apply to funds made available under this subsection.

(v) TRANSFER OF AUTHORITY.—

(1) The State Department Basic Authorities Act of 1956 is amended in section 1(c)(1) (22 U.S.C. 2651a(c)(1)) by striking ''24'' and inserting instead ''26''.

(2) The Secretary of State may transfer any authority, duty, or function assigned by statute to the Coordinator for Counterterrorism, the Coordinator for Reconstruction and Stabilization, or the Coordinator for International Energy Affairs (or to their respective offices) to such other officials or offices of the Department of State as the Secretary may determine from time to time, following consultation with the Committees on Appropriations.

(w) COUNTRY EXPENDITURES.—Except to respond to humanitarian crises or natural or man-made disasters, or to promote democracy or protect human rights, funds appropriated under the headings ''Global Health Programs'', ''Development Assistance'', ''Economic Support Fund'', ''Millennium Challenge Corporation'', and ''International Narcotics Control and Law Enforcement'' shall not be made available for programs and activities in any country whose government is not increasing its own budgetary expenditures for such programs and activities.

(x) PERSONNEL.—The authority provided by section 1113 of Public Law 111–32 shall remain in effect through fiscal year 2012: *Provided*, That none of the funds appropriated or otherwise made available by this Act or any other Act making appropriations for the Department of State, foreign operations, and related programs may be used to implement phase 3 of such authority.

(y) INTERNATIONAL CHILD ABDUCTIONS.—The Secretary of State may withhold funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for the central government of any country that the Secretary determines is not taking appropriate steps to comply with the Convention on the Civil Aspects of International Child Abductions, done at the Hague on October 25, 1980: *Provided*, That the Secretary shall report to the Committees on Appropriations within 15 days of making any such determination.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7033. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7034. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if the President determines that it is important to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the

requirements of subsection (a), consistent with the provisions of section 7038 of this Act (''Limitation on Assistance for the Palestinian Authority'').

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7035. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem: *Provided further*, That as has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7036. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7037. (a) OVERSIGHT.—For fiscal year 2012, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading ''Economic Support Fund'' for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity's governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: *Provided*, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations act, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to $500,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection: *Provided*, That such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2012 under the heading ''Economic Support Fund'', and such audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109–13.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7038. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: *Provided*, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or a government over which Hamas exercises undue influence.

(2) Notwithstanding the limitation of subsection (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended: *Provided*, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

NEAR EAST

SEC. 7039. (a) EGYPT.—

(1) Notwithstanding any other provision of this Act, funds appropriated by this Act under the heading ''Foreign Military Financing Program'' for assistance for Egypt may be transferred to, and merged with, funds appropriated for assistance for Egypt under the heading ''Economic Support Fund'': *Provided*, That such transfer may only be made following consultation with, and subject to the regular notification procedures of, the Committees on Appropriations.

(2)(A) None of the funds appropriated by this Act may be made available for assistance for the central Government of Egypt unless the Secretary of State certifies to the Committees on Appropriations that such government is meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

(B) The Secretary of State may waive paragraph (2)(A) if the Secretary determines

and reports to the Committees on Appropriations that to do so is important to the national interests of the United States: *Provided*, That any such determination and report shall include a detailed justification for such waiver.

(3)(A) Funds appropriated under the heading ''Economic Support Fund'' in this and prior Acts (including previously obligated funds), may be made available, notwithstanding any other provision of law, for an Egypt initiative, particularly for the specific costs referred to in the authorities referenced herein, for the purpose of improving the lives of the Egyptian people through education, investment in jobs and skills (including secondary and vocational education), and access to finance for small and medium enterprise with emphasis on expanding opportunities for women, as well as other appropriate market-reform and economic growth activities: *Provided*, That the provisions of title VI of Public Law 103–306 pertaining to funds for Jordan shall be deemed to apply to any such initiative and to funds available under this section to carry out such an initiative in the same manner as such cited provisions apply to Jordan, subject to the following provisos: *Provided further*, That subparagraph (b)(2) shall be deemed not to apply and the amount made available pursuant to this section as set forth in the report accompanying this Act and incorporated herein shall be deemed to apply in lieu of the figure in subparagraph (b)(1): *Provided further*, That the authority to reduce debt shall include authority to exchange an outstanding obligation for a new obligation and to permit both principal and interest payments on new obligations to be deposited into a fund established for such purpose, to be used in accordance with purposes set forth in an agreement between the United States and Egypt: *Provided further*, That the authority of this paragraph shall only be made available after the Secretary of State certifies to the Committees on Appropriations that the Government of Egypt has held free and fair elections and is implementing policies to protect the rights of journalists, due process, and freedoms of expression and association.

(b) ENTERPRISE FUNDS.—Up to $60,000,000 of funds appropriated under the heading ''Economic Support Fund'' in this Act and prior acts making appropriations for the Department of State, foreign operations, and related programs (and including previously obligated funds), that are available for assistance for Egypt, up to $20,000,000 of such funds that are available for assistance for Tunisia, up to $60,000,000 of such funds that are available for assistance for Pakistan, and up to $60,000,000 of such funds that are available for assistance for Jordan, respectively, may be made available notwithstanding any other provision of law, to establish and operate one or more enterprise funds for Egypt, Tunisia, Pakistan, and Jordan, respectively: *Provided*, That provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the provisions of subsections (b)(c)(d)(3) and (f) of that section), shall be deemed to apply to any such fund or funds, and to funds made available to such fund or funds, in order to enable such fund or funds to provide assistance for purposes of this section: *Provided further*, That section 7077 of division F of Public Law 111–117 shall apply to any such fund or funds established pursuant to this subsection: *Provided further*, That not more than 5 percent of the funds made available pursuant to this subsection should be available for administrative expenses of such fund or funds and not later than 1 year after the date of enactment of this Act, and annually thereafter until each fund is dissolved, each fund shall submit to the Committees on Appropriations a report detailing the administrative expenses of such fund: *Provided further*, That each fund shall be governed by a Board of Directors comprised of six private United States citizens and three private citizens of each country, respectively, who have had international business careers and demonstrated expertise in international and emerging markets investment activities: *Provided further*, That not later than 1 year after the entry into force of the initial grant agreement under this section and annually thereafter, each fund shall prepare and make available to the public on an Internet Web site administered by the fund a detailed report on the fund's activities during the previous year: *Provided further*, That the authority of any such fund or funds to provide assistance shall cease to be effective on December 31, 2022: *Provided further*, That funds made available pursuant to this section shall be subject to prior consultation with the Committees on Appropriations.

(c) IRAN.—

(1) It is the policy of the United States to seek to prevent Iran from achieving the capability to produce or otherwise manufacture nuclear weapons, including by supporting international diplomatic efforts to halt Iran's uranium enrichment program, and the President should fully implement and enforce the Iran Sanctions Act of 1996, as amended (Public Law 104–172) as a means of encouraging foreign governments to require state-owned and private entities to cease all investment in, and support of, Iran's energy sector and all exports of refined petroleum products to Iran.

(2) None of the funds appropriated or otherwise made available in this Act under the heading ''Export-Import Bank of the United States'' may be used by the Export-Import Bank of the United States to provide any new financing (including loans, guarantees, other credits, insurance, and reinsurance) to any person that is subject to sanctions under paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172).

(3) The reporting requirements in section 7043(c) in division F of Public Law 111–117 shall continue in effect during fiscal year 2012 as if part of this Act: *Provided*, That the date in subsecton (c)(1) shall be deemed to be ''September 31, 2012''.

(d) IRAQ.—

(1) Funds appropriated or otherwise made available by this Act for assistance for Iraq shall be made available in a manner that utilizes Iraqi entities to the maximum extent practicable, and in accordance with the Department of State's April 9, 2009 ''Guidelines for Government of Iraq Financial Participation in United States Government-Funded Civilian Foreign Assistance Programs and Projects''.

(2) None of the funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

(3) Funds appropriated or otherwise made available by this Act for security-related programs in Iraq may only be made available if the Secretary of State certifies to the Committees on Appropriations that the Government of Iraq has committed to contributing to, and sustaining, such programs, including details on the manner in which such contributions and sustainment will be achieved.

(4) Of the funds appropriated by this Act for assistance for Iraq under the heading ''Economic Support Fund'', not less than $10,000,000 shall be made available for programs and activities for which policy justifications and decisions shall be the responsibility of the United States Chief of Mission in Iraq.

(e) LEBANON.—

(1) None of the funds appropriated by this Act may be made available for assistance for the Government of Lebanon if such government is controlled by a foreign terrorist organization.

(2) Funds appropriated under the heading ''Foreign Military Financing Program'' in this Act for assistance for Lebanon may be made available only to professionalize the Lebanese Armed Forces and to strengthen border security and combat terrorism, including training and equipping the Lebanese Armed Forces to secure Lebanon's borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups, and to implement United Nations Security Council Resolution 1701: *Provided*, That funds may not be made available for obligation until the Secretary of State provides the Committees on Appropriations a detailed spending plan: *Provided further*, That such plan shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

(f) LIBYA.—

(1) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $20,000,000 should be made available to promote democracy, transparent and accountable governance, human rights, transitional justice, and the rule of law in Libya, and for exchange programs between Libyan and American students: *Provided*, That such funds shall be made available, to the maximum extent practicable, on a cost matching basis.

(2) None of the funds appropriated by this Act may be made available for assistance for Libya for the rehabilitation or reconstruction of infrastructure except on a loan basis with terms favorable to the United States, and only following consultation with the Committees on Appropriations.

(g) MOROCCO.—Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' for assistance for Morocco, $1,000,000 shall be withheld from obligation until the Secretary of State submits a report to the Committees on Appropriations on steps being taken by the Government of Morocco to—

(1) respect the right of individuals to peacefully express their opinions regarding the status and future of the Western Sahara and to document violations of human rights; and

(2) provide unimpeded access to human rights organizations, journalists, and representatives of foreign governments to the Western Sahara.

(h) SYRIA.—Notwithstanding any other provision of law, funds appropriated by this Act shall be made available to promote democracy and protect human rights in Syria: *Provided*, That a portion of such funds should be programmed in coordination with the Government of Turkey and other governments in the region, as appropriate.

AIRCRAFT TRANSFER AND COORDINATION

SEC. 7040. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Diplomatic and Consular Programs'', ''International Narcotics Control and Law Enforcement'', ''Andean Counterdrug Initiative'' and ''Andean Counterdrug Programs'' may be used for any other program and in any region, including for the transportation of active and standby Civilian Response Corps personnel and equipment during a deployment: *Provided*, That the responsibility for policy decisions and

justification for the use of such transfer authority shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after a determination by the Secretary of State to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: *Provided*, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) AIRCRAFT COORDINATION.—

(1) The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development (USAID) with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: *Provided*, That such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting the Department of State and USAID programs and activities: *Provided further*, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis.

(2) The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

WESTERN HEMISPHERE

SEC. 7041. (a) CENTRAL AMERICA AND THE CARIBBEAN.—Funds appropriated by this Act shall be made available for the Central America Regional Security Initiative (CARSI) and for the Caribbean Basin Security Initiative (CBSI) to strengthen the capacity and professionalism of civilian law enforcement and judicial institutions.

(b) COLOMBIA.—

(1) ASSISTANCE.—

(A) Funds appropriated by this Act and made available to the Department of State for counter-narcotics or other law enforcement assistance for the Government of Colombia may be used to support a unified campaign against narcotics trafficking and organizations designated as Foreign Terrorist Organizations and successor organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided*, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: *Provided further*, That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, is used to aid or abet the operations of any illegal self-defense group, paramilitary organization, illegal security cooperative or successor organizations in Colombia, such helicopter shall be immediately returned to the United States: *Provided further*, That none of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the Colombian Departamento Administrativo de Seguridad (DAS) or successor organizations.

(B) None of the funds appropriated by this Act under the heading ''International Narcotics Control and Law Enforcement'' that are available for assistance for Colombia for the procurement of chemicals for aerial drug eradication may be made available unless the Secretary of State certifies to the Committees on Appropriations that any complaints of harm to health or licit crops caused by such aerial eradication are thoroughly investigated and evaluated, and fair compensation is paid in a timely manner for meritorious claims: *Provided further*, That the Secretary shall submit a report to the Committees on Appropriations not later than 6 months after enactment of this Act and 6 months thereafter detailing the complaints made during the previous 6 months, the investigations conducted, and the amount of compensation, if any: *Provided further*, That such funds may not be made available for such purposes unless voluntary eradication programs are not feasible and programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are targeted for aerial eradication: *Provided further*, That none of the funds appropriated by this Act for assistance for Colombia shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people: *Provided further*, That funds appropriated by this Act may not be used for aerial drug eradication in Colombia's national parks or reserves unless the Secretary of State certifies to the Committees on Appropriations that there are no effective alternatives and the eradication is in accordance with Colombian laws.

(2) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—

(A) IN GENERAL.—Except as provided in paragraph (2), the provisions of subsections (b) through (f) of section 7046 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8), as amended by section 7046 (b)(2)(A) of division F of Public Law 111–117, shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia.

(B) EXCEPTIONS.—The following provisions of section 7046 of division H of Public Law 111–8 shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia as follows:

(i) Subsection (b)(1)(B) is amended as follows:

(I) By striking clause (i) and inserting the following:

''(i) The Colombian Armed Forces are suspending those members, of whatever rank, who have been credibly alleged to have violated human rights, or to have aided, abetted or benefitted from paramilitary organizations or successor armed groups; all such cases are promptly referred to civilian jurisdiction for investigation and prosecution, and the Colombian Armed Forces are no longer opposing civilian judicial jurisdiction in such cases; and the Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities.''.

(II) By striking clause (iv) and inserting the following:

''(iv) The Government of Colombia is respecting the rights of human rights defenders, journalists, trade unionists, and other social activists, and the rights and territory of indigenous and Afro-Colombian communities; and the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants, in their operations.''.

(ii) Subsection (b)(2) shall be applied by substituting ''July 31, 2012'' for the date contained therein;

(iii) Subsection (c) shall be applied by substituting ''September 30, 2012'' for the date contained therein; and

(iv) Subsection (d)(1) shall be applied by substituting ''fiscal year 2012'' for the fiscal year contained therein.

(C) REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing any United States funding, assistance or other support for the DAS, its officials, employees, affiliates and contractors during the period 2002 through 2010, including but not limited to training, equipment, information sharing, technical assistance, and facilities construction: *Provided*, That to the maximum extent possible the report shall be provided in unclassified form, but may also include a classified annex.

(c) GUATEMALA.—

(1) Of the funds appropriated in this Act under the heading ''International Narcotics Control and Law Enforcement'' not less than $5,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala (CICIG).

(2) Funds appropriated under the heading ''International Military Education and Training'' (IMET) that are available for assistance for the Guatemalan Army may only be made available for expanded IMET.

(3) None of the funds appropriated under the heading ''Foreign Military Financing Program'' may be made available for assistance for the Guatemalan Army, except that such funds may be made available for the Army Corps of Engineers only to improve disaster response capabilities and to participate in international peacekeeping operations.

(d) HAITI.—

(1) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(2) Funds appropriated under the heading ''Economic Support Fund'' in this Act and prior Acts that are made available for assistance for Haiti shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Haitian civil society organizations and directly improves the security, economic and social well-being, and political status, of Haitian women and girls.

(e) HONDURAS.—Funds appropriated by this Act that are available for assistance for police forces in Honduras may not be made available until the Secretary of State certifies to the Committees on Appropriations that the Government of Honduras is investigating, prosecuting, and punishing police officers who have violated human rights and the Honduran police are cooperating with civilian judicial authorities in such cases.

(f) MEXICO.—Funds appropriated by this Act that are available to support anti-crime and counter-narcotics efforts in Mexico shall be made available to strengthen the capacity of civilian law enforcement and judicial institutions.

(g) TRADE CAPACITY.—Of the funds appropriated by this Act, not less than $10,000,000 under the heading ''Development Assistance'' and not less than $10,000,000 under the heading ''Economic Support Fund'' shall be made available for labor and environmental capacity building activities relating to free trade agreements with countries of Central America, Peru and the Dominican Republic.

SERBIA

SEC. 7042. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2012, if the Secretary of State has submitted the report required in subsection (c).

(b) After May 31, 2012, the Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to support loans and assistance to the Government of Serbia subject to the condition in subsection (c).

(c) The report referred to in subsection (a) is a report by the Secretary of State to the Committees on Appropriations that the Government of Serbia is cooperating with the International Criminal Tribunal for the former Yugoslavia, including apprehending and transferring indictees and providing investigators access to witnesses, documents, and other information.

(d) This section shall not apply to humanitarian assistance or assistance to promote democracy.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7043. (a) AUTHORITY.—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address sexual and gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7044. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 7045. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING

SEC. 7046. (a) MISSIONS.—None of the funds appropriated or otherwise made available by title I of this Act may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless the President's military advisors have submitted to the President a recommendation that such involvement is in the national interests of the United States and the President has submitted to the Congress such a recommendation.

(b) ASSESSMENT.—Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by adding the following at the end:

''(vii) For assessments made during calendar year 2011 and 2012, 27.2 percent.''.

ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 7047. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations that such attendance is important to the national interest: *Provided*, That for purposes of this section the term ''international conference'' shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

RESTRICTIONS ON UNITED NATIONS DELEGATIONS

SEC. 7048. None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7049. The terms and conditions of section 7055 of division F of Public Law 111–117 shall apply to this Act: *Provided*, That the date ''September 30, 2009'' in subsection (f)(2)(B) shall be deemed to be ''September 30, 2011''.

LANDMINES AND CLUSTER MUNITIONS

SEC. 7050. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the Secretary of State may prescribe.

(b) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments; and

(2) the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7051. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided*, That not to exceed $25,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

LIMITATION ON RESIDENCE EXPENSES

SEC. 7052. Of the funds appropriated or made available pursuant to title II of this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 7053. (a) AUTHORITY.—Up to $93,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2013.

(c) CONDITIONS.—The authority of subsection (a) should only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other nondirect hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', are eliminated.

(d) PRIORITY SECTORS.—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical areas currently encumbered by contractor or other nondirect hire personnel.

(e) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate: *Provided*, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading ''Operating Expenses''.

(f) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(g) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', may be used, in addition to

funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural or man-made disasters.

(h) TECHNICAL ADVISORS.—Up to $13,500,000 of the funds made available in title III of this Act for assistance under the heading ''Global Health Programs'', may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by USAID for the purpose of carrying out activities under that heading: *Provided*, That up to $3,500,000 of the funds made available by this Act for assistance under the heading ''Development Assistance'' may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities.

(i) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That not more than 15 of such contractors shall be for activities related to USAID's Afghanistan or Pakistan programs: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(j) SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.—Individuals hired pursuant to the authority provided by section 7059(o) of division F of Public Law 111–117 may be assigned to or support programs in Iraq, Afghanistan, or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

GLOBAL HEALTH ACTIVITIES

SEC. 7054. (a) Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for global health activities including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for provisions under the heading ''Global Health Programs'' and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III of this Act, not less than $700,000,000 shall be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

(b) Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID) shall submit to the Committees on Appropriations a report on any cost savings that could be achieved by transitioning the function, role, and duties of the Office of the United States Global AIDS Coordinator into USAID.

(c) Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID) shall submit to the Committees on Appropriations a report on the status of the Quadrennial Diplomacy and Development Review (QDDR) decision to transition the leadership of the Global Health Initiative (GHI) to USAID, to include the following:

(1) The metrics developed to measure progress towards meeting each benchmark enumerated in Appendix 2 of the QDDR and the method utilized to develop such metrics;

(2) The status of, and estimated completion date for, meeting each benchmark; and

(3) An assessment of meeting the QDDR target date of September 2012 for transition of GHI to USAID, and if such assessment determines that the target date will not be met a detailed explanation of why it will not be met and a revised target date for the transition to be completed.

(d) Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to respond to pandemic outbreaks, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

DEVELOPMENT GRANTS PROGRAM

SEC. 7055. Of the funds appropriated in title III of this Act, not less than $45,000,000 shall be made available for the Development Grants Program established pursuant to section 674 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), primarily for unsolicited proposals, to support grants of not more than $2,000,000 to small nongovernmental organizations: *Provided,* That funds made available under this section are in addition to other funds available for such purposes including funds designated by this Act by section 7063.

PROGRAMS TO PROMOTE GENDER EQUALITY

SEC. 7056. (a) Programs funded under title III of this Act shall include, where appropriate, efforts to improve the status of women, including through gender considerations in the planning, assessment, implementation, monitoring and evaluation of such programs.

(b) Funds appropriated under title III of this Act shall be made available to support programs to expand economic opportunities for poor women in developing countries, including increasing the number and capacity of women-owned enterprises, improving property rights for women, increasing women's access to financial services and capital, enhancing the role of women in economic decisionmaking at the local, national and international levels, and improving women's ability to participate in the global economy.

(c) Funds appropriated under title III of this Act shall be made available to increase political opportunities for women, including strengthening protections for women's personal status, increasing women's participation in elections, and enhancing women's positions in government and role in government decisionmaking.

(d) Funds appropriated under in title III of this Act for food security and agricultural development shall take into consideration the unique needs of women, and technical assistance for women farmers should be a priority.

(e) The Secretary of State, in consultation with the heads of other relevant Federal agencies, shall develop a National Action Plan in accordance with United Nations Security Council Resolution 1325 (adopted on October 31, 2000) to ensure the United States effectively promotes and supports the rights and roles of women in conflict-affected and post-conflict regions through clear, measurable commitments to—

(1) promote the active and meaningful participation of women in affected areas in all aspects of conflict prevention, management, and resolution;

(2) integrate the perspectives and interests of affected women into conflict-prevention activities and strategies;

(3) promote the physical safety, economic security, and dignity of women and girls;

(4) support women's equal access to aid distribution mechanisms and services; and

(5) monitor, analyze and evaluate implementation efforts and their impact.

(f) The Department of State and the United States Agency for International Development shall fully integrate gender into all diplomatic and development efforts through the inclusion of gender in strategic planning and budget allocations, and the development of indicators and evaluation mechanisms to measure the impact of United States policies and programs on women and girls in foreign countries.

GENDER-BASED VIOLENCE

SEC. 7057. (a) Funds appropriated under the headings ''Global Health Programs'', ''Development Assistance'', ''Economic Support Fund'', and ''International Narcotics Control and Law Enforcement'' in this Act shall be made available for sexual and gender-based violence prevention and response efforts, and funds appropriated under the headings ''International Disaster Assistance'', ''Complex Crises Fund'' and ''Migration and Refugee Assistance'' should be made available for such efforts.

(b) Programs and activities funded under titles III and IV of this Act to train foreign police, judicial, and military personnel, including for international peacekeeping operations, shall address, where appropriate, prevention and response to sexual and gender-based violence and trafficking in persons.

(c) Not later than 180 days after enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly submit to the Committees on Appropriations a multi-year strategy to prevent and respond to violence against women and girls in countries where it is common: *Provided,* That the strategy should reflect the input of local women's organizations in such countries and include achievable and sustainable goals, benchmarks for measuring progress, and expected results: *Provided further,* That the strategy should include regular engagement with men and boys as community leaders and advocates in ending violence against women and girls.

RECONCILIATION PROGRAMS

SEC. 7058. Of the funds appropriated by title III of this Act under the headings ''Economic Support Fund'' and ''Development Assistance'', $26,000,000 shall be made available to support people to people reconciliation programs which bring together individuals of different ethnic, religious and political backgrounds from areas of civil strife and war, of which $10,000,000 shall be made available for such programs in the Middle East: *Provided*, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds.

REQUESTS FOR DOCUMENTS

SEC. 7059. None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to

a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON USE OF TORTURE

SEC. 7060. (a) None of the funds made available in this Act may be used to support or justify the use of torture, cruel or inhumane treatment by any official or contract employee of the United States Government.

(b) Not later than 90 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report identifying those countries receiving United States assistance from funds appropriated by this Act whose police, military, or other security forces have been credibly alleged to use torture, as determined by the Assistant Secretary of State for Democracy, Human Rights and Labor based on the Department of State's most recent Human Rights Report and other relevant information.

(c) Funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to eliminate torture by foreign police, military or other security forces in countries identified in the report required in subsection (b).

AFRICA

SEC. 7061. (a) CONFLICT MINERALS.—

(1) None of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Rwanda or Uganda if the Secretary of State has credible evidence that the Government of Rwanda or the Government of Uganda is providing political, military or financial support to armed groups in the Democratic Republic of the Congo (DRC) that are involved in the illegal exportation of minerals out of the DRC or have violated human rights.

(2) The restriction in paragraph (1) shall not apply to assistance to improve border controls to prevent the illegal exportation of minerals out of the DRC by such groups, to protect relief efforts, or to support the training and deployment of members of the Rwandan or Ugandan militaries in international peacekeeping operations.

(b) COUNTER-TERRORISM PROGRAMS.—

(1) Of the funds appropriated by this Act, not less than $52,800,000 should be made available for the Trans-Sahara Counter-terrorism Partnership program, and not less than $21,300,000 should be made available for the Partnership for Regional East Africa Counter-terrorism program.

(2) In addition to such sums that may otherwise be made available, of the funds appropriated by this Act under the heading ''Economic Support Fund'', $10,000,000 shall be made available for programs to counter extremism in East Africa.

(3) Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations detailing—

(A) the United States Government's multiyear strategy for combating terrorism in Africa;

(B) the amount of funding provided, by account, to implement such a strategy, and a brief description of counter-terrorism programs implemented on a country-by-country basis;

(C) the mechanisms for coordinating such assistance between the Department of State, the United States Agency for International Development, and the Department of Defense, between the United States Government and other international donors, and between the United States Government and respective host governments; and

(D) the benchmarks for measuring the strengths and weaknesses in implementing such strategy.

(c) CRISIS RESPONSE.—Notwithstanding any other provision of law, up to $15,000,000 of the funds appropriated by this Act under the heading ''Global Health Programs'' for HIV/AIDS activities may be transferred to, and merged with, funds appropriated under the headings ''Complex Crises Fund'', ''International Disaster Assistance'', ''Economic Support Fund'', and ''Migration and Refugee Assistance'' to respond to unanticipated crises in Africa, except that funds shall not be transferred unless the Secretary of State certifies to the Committees on Appropriations that no individual currently on antiretroviral therapy supported by such funds shall be negatively impacted by the transfer of such funds: *Provided*, That the authority of this subsection shall be subject to prior consultation with the Committees on Appropriations.

(d) EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) Funds appropriated under the heading ''International Military Education and Training'' (IMET) in this Act that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Guinea and Zimbabwe may be made available only for expanded IMET.

(2) None of the funds appropriated under the heading ''International Military Education and Training'' in this Act may be made available for assistance for Equatorial Guinea or Somalia.

(e) ETHIOPIA.—

(1) Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are available for assistance for Ethiopia shall not be made available unless the Secretary of State—

(A) certifies to the Committees on Appropriations that the Government of Ethiopia is implementing policies to respect due process and freedoms of expression and association, and is permitting access to human rights and humanitarian organizations to the Somalia region of Ethiopia; and

(B) submits a report to such Committees on the types and amounts of United States training and equipment proposed to be provided to the Ethiopian military including steps that will be taken to ensure that such assistance is not provided to military units or personnel that have violated human rights, and steps taken by the Government of Ethiopia to investigate and prosecute members of the Ethiopian military who have been credibly alleged to have violated such rights.

(2) The restriction in paragraph (1) shall not apply to assistance to Ethiopian military efforts in support of international peacekeeping operations and for assistance to the Ethiopian Defense Command and Staff College.

(f) THE GAMBIA.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to vote against any loan, agreement, or other financial support for the Gambia, except to meet basic human needs, unless the Secretary of State certifies to the Committees on Appropriations that the Government of the Gambia is taking effective steps to release and account for political prisoners.

(g) KENYA.—Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are available for assistance for Kenya should not be made available unless a thorough, credible investigation has been conducted of alleged crimes by Kenyan soldiers at Mount Elgon in March 2008, and the responsible individuals are being brought to justice.

(h) SUDAN LIMITATION ON ASSISTANCE.—

(1) Subject to paragraph (2):

(A) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan unless the Secretary of State certifies to the Committees on Appropriations that such government—

(i) has lifted the state of emergency in Darfur;

(ii) is cooperating with and participating in good faith in an internationally recognized peace process for Darfur;

(iii) is permitting access and freedom of movement for the United Nations/African Union Hybrid Mission in Darfur and the delivery of humanitarian assistance in Darfur, and is respecting international humanitarian law;

(iv) is not engaging in provocative military operations within Sudan or cross-border destabilization; and

(v) has reached a mutually acceptable agreement with the Republic of South Sudan regarding the status of Abyei and other outstanding issues related to implementation of the Comprehensive Peace Agreement (CPA), including matters related to oil revenues and the transit of oil.

(B) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(2) The limitations of paragraph (1) shall not apply to—

(A) humanitarian assistance;

(B) assistance for the Darfur region, Southern Kordofan, Blue Nile, White Nile, Sennar, other marginalized areas in Sudan, and the Abyei area; and

(C) assistance to support implementation of the CPA, mutually agreed upon arrangements related to post-referendum issues associated with the CPA, or to promote peace and stability between Sudan and the Republic of South Sudan, or any other internationally recognized viable peace agreement in Sudan.

(i) SOUTH SUDAN.—

(1) Funds appropriated by this Act should be made available for assistance for South Sudan including to increase agricultural productivity, expand educational opportunities especially for girls, strengthen democratic institutions and the rule of law, and enhance the capacity of the Federal Legislative Assembly to conduct oversight over government revenues and expenditures.

(2) Not less than 15 days prior to the obligation of funds appropriated by this Act that are available for assistance for the Government of South Sudan, the Secretary of State shall submit a report to the Committees on Appropriations detailing the extent to which the Government of South Sudan is—

(A) supporting freedom of expression, the establishment of democratic institutions including an independent judiciary, parliament, and security forces that are accountable to civilian authority; and

(B) investigating and punishing members of security forces who have violated human rights.

(3) The Secretary of State shall seek to obtain regular audits of the financial accounts of the Government of South Sudan to ensure transparency and accountability of funds, including revenues from the extraction of oil

and gas, and the timely, public disclosure of such audits: *Provided*, That the Secretary should assist the Government of South Sudan in conducting such audits, and by providing technical assistance to enhance the capacity of the National Auditor Chamber to carry out its responsibilities, and shall submit a report not later than 90 days after enactment of this Act to the Committees on Appropriations detailing the steps that will be taken by the Government of South Sudan, which are additional to those taken in the previous fiscal year, to improve natural resource management and ensure transparency and accountability of funds.

(j) UGANDA.—Of the funds appropriated by this Act under the headings ''Development Assistance'' and ''International Narcotics Control and Law Enforcement'', not less than $1,000,000 shall be made available to improve physical access, telecommunications infrastructure, and early-warning mechanisms in areas affected by the Lord's Resistance Army (LRA), and not less than $1,000,000 shall be made available to support the disarmament, demobilization and reintegration of former LRA combatants, especially child soldiers.

(k) WAR CRIMES IN AFRICA.—

(1) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(2) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance for the central government of a country in which individuals indicted by the ICTR and the SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with the ICTR and the SCSL, including the apprehension, surrender, and transfer of indictees in a timely manner: *Provided*, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title VI of this Act: *Provided further*, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by the ICTR and the SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(3) The prohibition in paragraph (2) may be waived on a country-by-country basis if the President determines that doing so is in the national security interest of the United States: *Provided*, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on—

(A) the steps being taken to obtain the cooperation of the government in apprehending and surrendering the indictee in question to the court of jurisdiction;

(B) a strategy, including a timeline, for bringing the indictee before such court; and

(C) the justification for exercising the waiver authority.

(l) ZIMBABWE.—

(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loans or grants to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health, education, and macroeconomic growth assistance, unless the Secretary of State makes the determination required in paragraph (1).

ASIA

SEC. 7062. (a) TIBET.—

(1) The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, not less than $7,500,000 of the funds appropriated by this Act under the heading ''Economic Support Fund'' should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

(b) BURMA.—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to vote against any loan, agreement, or other financial support for Burma.

(2) Funds appropriated by this Act may be made available for assistance for Burma notwithstanding any other provision of law, except no such funds shall be made available to the State Peace and Development Council, or its successor, and its affiliated organizations: *Provided*, That such funds shall be made available to support programs in Burma, along Burma's borders, and for Burmese groups and organizations located outside Burma: *Provided further*, That not less than $5,000,000 shall be made available for community-based organizations operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma, in addition to assistance for Burmese refugees appropriated under the heading ''Migration and Refugee Assistance'' in this Act: *Provided further*, That any new program or activity initiated with funds made available by this Act shall be subject to prior consultation with the Committees on Appropriations, and all such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) CAMBODIA.—Funds made available in this Act for a United States contribution to a Khmer Rouge tribunal may only be made available if the Secretary of State certifies to the Committees on Appropriations that the United Nations and the Government of Cambodia are taking effective steps to address allegations of corruption and mismanagement within the tribunal.

(d) INDONESIA.—

(1) Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are available for assistance for Indonesia, $2,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on Indonesia required under such heading in the report accompanying this Act.

(2) Of the funds appropriated by this Act under the heading ''Economic Support Fund'' that are available for assistance for Indonesia, not less than $400,000 should be made available for grants for capacity building of Indonesian human rights organizations, including in Papua.

(e) PEOPLE'S REPUBLIC OF CHINA.—

(1) None of the funds appropriated under the heading ''Diplomatic and Consular Programs'' in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(2) The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the People's Republic of China, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided*, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(3) Notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, of the funds appropriated under the heading ''Economic Support Fund'', not less than $20,000,000 shall be made available to United States institutions of higher education and nongovernmental organizations for programs and activities in the People's Republic of China relating to democracy, governance, rule of law, and the environment.

(f) PHILIPPINES.—Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are available for assistance for the Philippines, $3,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on the Philippines required under such heading in the report accompanying this Act.

(g) TIMOR-LESTE.—Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $1,000,000 shall be made available for higher education scholarships in Timor-Leste.

(h) VIETNAM.—Of the funds appropriated under the heading ''Economic Support Fund'', not less than $15,000,000 shall be made available for remediation of dioxin contaminated sites in Vietnam and may be made available for assistance for the Government of Vietnam, including the military, for such purposes, and not less than $5,000,000 under the heading ''Development Assistance'' shall be made available for related health/disability activities.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7063. (a) None of the funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' may be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act, unless the Secretary of State determines that to do so is in the national security interests of the United States.

(b) Funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' for the Russian Federation, Armenia, Azerbaijan, Kazakhstan, and Uzbekistan

shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or nonproliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

CENTRAL ASIA

SEC. 7064. The terms and conditions of sections 7075(a) through (d) and 7076(a) through (e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated by this Act, except that the Secretary of State may waive the application of section 7076(a) for a period of not more than 6 months and every 6 months thereafter until September 30, 2013, if the Secretary certifies to the Committees on Appropriations that the waiver is in the national security interest and necessary to obtain access to and from Afghanistan for the United States, and the waiver includes an assessment of progress, if any, by the Government of Uzbekistan in meeting the requirements in section 7076(a): *Provided*, That the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations not later than 180 days after enactment of this Act and 12 months thereafter, on all United States Government assistance provided to the Government of Uzbekistan and expenditures made in support of the Northern Distribution Network in Uzbekistan, including any credible information that such assistance or expenditures are being diverted for corrupt purposes: *Provided further*, That information provided in the report required by the previous proviso may be provided in a classified annex and such annex shall indicate the basis for such classification: *Provided further*, That for the purposes of the application of section 7075(c) to this Act, the report shall be submitted not later than October 1, 2012 and for the purposes of the application of section 7076(e) to this Act, the term ''assistance'' shall not include expanded international military education and training.

SOUTH ASIA

SEC. 7065. (a) AFGHANISTAN.—

(1) LIMITATION.—None of the funds appropriated or otherwise made available by this Act under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' may be obligated for assistance for the Government of Afghanistan until the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), certifies and reports to the Committees on Appropriations that—

(A) The funds will be used to support programs and activities that can be sustained by Afghan national, provincial or local governments.

(B) The Government of Afghanistan is—

(i) reducing corruption and improving governance, including by investigating, prosecuting, sanctioning and/or removing corrupt officials from office and implementing financial transparency and accountability measures for government institutions and officials (including the Central Bank) as well as conducting oversight of public resources; and

(ii) taking credible steps to protect the human rights of Afghan women.

(C) Funds will be used to support and strengthen the capacity of Afghan public and private institutions and entities to reduce corruption and to improve transparency and accountability of national, provincial and local governments.

(D) Representatives of Afghan national, provincial or local governments, and local communities and civil society organizations, including women-led organizations, will be consulted and participate in the design of programs, projects, and activities, including participation in implementation and oversight, and the development of specific benchmarks to measure progress and outcomes.

(2) DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

(A) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may not be made available for direct government-to-government assistance unless the Secretary of State certifies to the Committees on Appropriations that the relevant Afghan implementing agency has been assessed and considered qualified to manage such funds and the Government of the United States and the Government of Afghanistan have agreed, in writing, to achievable and sustainable goals, benchmarks for measuring progress, and expected results for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended: *Provided*, That the assessment procedures of the Department of State and USAID shall be standardized and provide reasonable assurance of detecting significant vulnerabilities that could result in the waste or misuse of United States funds: *Provided further*, That the Secretary of State should suspend any direct government-to-government assistance to an implementing agency if the Secretary has credible information of misuse of such funds by any such agency: *Provided further*, That any such assistance shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(B) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may be made available as a United States contribution to the Afghanistan Reconstruction Trust Fund (ARTF) unless the Secretary of State determines and reports to the Committees on Appropriations that the World Bank Monitoring Agent of the ARTF is unable to conduct its financial control and audit responsibilities due to restrictions on security personnel by the Government of Afghanistan.

(3) ASSISTANCE AND OPERATIONS.—

(A) Funds appropriated under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' in this Act that are available for assistance for Afghanistan—

(i) shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Afghan women, and directly improves the security, economic and social well-being, and political status, and protects the rights of, Afghan women and girls and complies with sections 7056 and 7057 of this Act, including support for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and women-led organizations.

(ii) may be made available for a United States contribution to an internationally managed fund to support the reconciliation with and disarmament, demobilization and reintegration into Afghan society of former combatants who have renounced violence against the Government of Afghanistan: *Provided*, That funds may be made available to support reconciliation and reintegration activities only if:

(I) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the human rights of Afghan women; and

(II) such funds will not be used to support any pardon or immunity from prosecution, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or acts of terrorism;

(iii) may be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund; and

(iv) may be made available, notwithstanding any provision of law that restricts assistance to foreign countries, for cross border stabilization and development programs between Afghanistan and Pakistan or between either country and the Central Asian republics.

(B) The authority contained in section 1102(c) of Public Law 111–32 shall continue in effect during fiscal year 2012 and shall apply as if part of this Act.

(C)(i) Of the funds appropriated by this Act that are made available for assistance for Afghanistan, not less than $75,000,000 shall be made available for rule of law programs: *Provided*, That decisions on the uses of such funds shall be the responsibility of the Coordinator for Rule of Law, in consultation with the Interagency Planning and Implementation Team, at the United States Embassy in Kabul, Afghanistan: *Provided further*, That $250,000 of such funds shall be transferred to, and merged with, funds appropriated under the heading ''Office of Inspector General'' in title I of this Act for oversight of such programs and activities.

(ii) The Coordinator for Rule of Law at the United States Embassy in Kabul, Afghanistan shall be consulted on the use of all funds appropriated by this Act for rule of law programs in Afghanistan.

(D) None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(E) Any significant modification to the scope, objectives or implementation mechanisms of United States assistance programs in Afghanistan shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived in a manner consistent with section 7015(e) of this Act.

(F) None of the funds appropriated by this Act under the heading ''Economic Support Fund'' may be made available for transportation infrastructure in Afghanistan unless the Secretary of State reports to the Committees on Appropriations that the Government of Afghanistan has established a standardized rail gauge consistent with that utilized by Central Asian states, including Uzbekistan: *Provided*, That the Secretary of State may waive the requirement of this paragraph if the Secretary of State reports to the Committees on Appropriations that to do so is important to the national security interests of the United States.

(G) Not later than 90 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations whether an International Monetary Fund (IMF) country program for Afghanistan has been established: *Provided*, That if such program has not been established by that date, the report required by this paragraph shall include specific actions requested by the IMF, and taken by the Government of Afghanistan, to address the Kabul Bank crisis and restore confidence in Afghanistan's banking sector.

(4) OVERSIGHT.—

(A) The Special Inspector General for Afghanistan Reconstruction, the Inspector General of the Department of State and the Inspector General of USAID, shall jointly develop and submit to the Committees on Appropriations within 45 days of enactment of this Act a coordinated audit and inspection plan of United States assistance for, and civilian operations in, Afghanistan.

(B) The USAID Administrator should provide for independent, transparent evaluations of assistance programs and activities in Afghanistan which exceed $25,000,000.

(b) NEPAL.—

(1) Funds appropriated by this Act under the headings ''Foreign Military Financing Program'' and ''Peacekeeping Operations'' may be made available for assistance for Nepal only if the Secretary of State certifies to the Committees on Appropriations that the Nepal Army is—

(A) cooperating fully with investigations and prosecutions by civilian judicial authorities of violations of human rights; and

(B) working constructively to redefine the Nepal Army's mission and adjust its size accordingly, implement reforms including strengthening the capacity of the civilian ministry of defense to improve budget transparency and accountability, and facilitate the integration of former rebel combatants into the security forces including the Nepal Army, consistent with the goals of reconciliation, peace and stability.

(2) The conditions in paragraph (1) shall not apply to assistance for humanitarian relief and reconstruction activities in Nepal.

(c) PAKISTAN.—

(1) DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—Funds appropriated by this Act for assistance for Pakistan may be made available for direct government-to-government assistance only if the Secretary of State certifies to the Committees on Appropriations that the Government of the United States and the Government of Pakistan have agreed, in writing, to achievable and sustainable goals, benchmarks for measuring progress, and expected results for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended: *Provided*, That the Secretary of State should suspend any direct government-to-government assistance to an implementing agency if the Secretary has credible information of misuse of such funds by any such agency: *Provided further*, That funds made available pursuant to this subparagraph shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(2) INFRASTRUCTURE PROJECTS.—Funds appropriated under the heading ''Economic Support Fund'' in this Act that are made available for assistance for infrastructure projects in Pakistan shall be implemented in a manner consistent with section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)).

(3) MILITARY ASSISTANCE.—Funds appropriated by this Act under the headings ''Foreign Military Financing Program'' and ''Pakistan Counter-insurgency Capability Fund'' that are available for assistance for Pakistan may be made available only to support counter-terrorism and counter-insurgency operations in Pakistan, and are subject to section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(4) CERTIFICATION AND REPORT.—

(A) CERTIFICATION.—

(i) Prior to the obligation of funds in titles III and IV and under the heading ''Pakistan Counter-Insurgency Capability Fund'' in this Act for assistance for the Government of Pakistan, the Secretary of State shall certify to the Committees on Appropriations that the Government of Pakistan is—

(I) cooperating with the United States in efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Al Qaeda and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from operating in Pakistan and carrying out cross border attacks into neighboring countries;

(II) not impeding the issuance of visas for United States visitors engaged in counterterrorism efforts and assistance programs, in Pakistan; and

(III) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

(ii) The Secretary of State may waive the requirements of paragraph (i) if to do so is in the national security interests of the United States.

(B) REPORT.—The spend plan required by section 7083 of this Act for assistance for Pakistan shall include achievable and sustainable goals, benchmarks for measuring progress, and expected results regarding furthering the development of Pakistan, countering extremism, and establishing conditions conducive to the rule of law and accountable governance: *Provided*, That not later than 6 months after submission of such spend plan, and each 6 months thereafter until September 30, 2013, the Secretary of State shall submit a report on the status of achieving the goals and benchmarks in the spend plan: *Provided further*, That the Secretary of State should suspend assistance for the Government of Pakistan if any such report indicates that Pakistan is failing to make measurable progress in meeting any such goal or benchmark.

(5) PRECURSOR CHEMICALS.—Funds appropriated under the heading ''Economic Support Fund'' that are available for assistance for Pakistan should be made available to stop the flow of precursor materials used to manufacture Improvised Explosive Devices, including calcium ammonium nitrate, from Pakistan to Afghanistan, including programs to train border and customs officials in Pakistan and Afghanistan as well as agricultural extension programs that encourage alternative fertilizers among Pakistani farmers.

(6) HUMAN RIGHTS AND DEMOCRACY.—Of the funds appropriated under the heading ''Economic Support Fund'' in this Act for assistance for Pakistan $5,000,000 shall be made available through the Bureau of Democracy, Human Rights and Labor, Department of State, for human rights and democracy programs in Pakistan, including training of government officials and security forces, and assistance for human rights organizations and the development of democratic political parties.

(7) CHIEF OF MISSION.—Of the funds appropriated under the heading ''Economic Support Fund'' in this Act for assistance for Pakistan, up to $10,000,000 may be made available to the Chief of Mission to address unanticipated humanitarian needs: *Provided*, That such funds shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived in a manner consistent with section 7015(e) of this Act.

(d) SRI LANKA.—

(1) None of the funds appropriated by this Act under the headings ''Foreign Military Financing Program'' and ''Peacekeeping Operations'' may be made available for assistance for Sri Lanka, no defense export license may be issued, and no military equipment or technology shall be sold or transferred to Sri Lanka pursuant to the authorities contained in this Act or any other Act, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is—

(A) conducting credible, thorough investigations of alleged war crimes and violations of international humanitarian law by government forces and the Liberation Tigers of Tamil Eelam;

(B) bringing to justice individuals who have been credibly alleged to have committed such violations;

(C) supporting and cooperating with any United Nations investigation of alleged war crimes and violations of international humanitarian law;

(D) respecting due process, the rights of journalists, and the rights of citizens to peaceful expression and association, including ending arrest and detention under emergency regulations;

(E) providing access to detainees by humanitarian organizations; and

(F) implementing policies to promote reconciliation and justice including devolution of power as provided for in the Constitution of Sri Lanka.

(2) Paragraph (2) shall not apply to assistance for humanitarian demining and aerial and maritime surveillance.

(3) If the Secretary makes the certification required in paragraph (2), funds appropriated under the heading ''Foreign Military Financing Program'' that are made available for assistance for Sri Lanka should be used to support the recruitment and training of Tamils into the Sri Lankan military, Tamil language training for Sinhalese military personnel, and human rights training for all military personnel.

(4) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to vote against any loan, agreement, or other financial support for Sri Lanka except to meet basic human needs, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is meeting the requirements in paragraph (2)(D), (E), and (F) of this subsection.

ENTERPRISE FUNDS

SEC. 7066. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available under titles III through VI of this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities and shall be subject to the regular notification procedures of the Committees on Appropriations.

OVERSEAS PRIVATE INVESTMENT CORPORATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 7067. (a) Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title III of this Act may be

transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided*, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: *Provided further*, That designated funding levels in this Act shall not be transferred pursuant to this section: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect.

EXTRADITION

SEC. 7068. (a) None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings ''International Narcotics Control and Law Enforcement'', ''Migration and Refugee Assistance'', ''Emergency Migration and Refugee Assistance'', and ''Nonproliferation, Anti-terrorism, Demining and Related Assistance'') for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.

CLIMATE CHANGE AND ENVIRONMENT PROGRAMS

SEC. 7069. (a) IN GENERAL.—Of the funds appropriated by this Act, up to $1,250,000,000 may be made available for programs and activities to—

(1) reduce, mitigate, and sequester greenhouse gases that contribute to global climate change;

(2) support climate change adaptation; and

(3) protect biodiversity, including wildlife, tropical forests, and other critical landscapes.

(b) USES OF CLEAN ENERGY FUNDING.—Funds appropriated by this Act under the headings ''Development Assistance'', ''Economic Support Fund'', and ''Assistance for Europe, Eurasia and Central Asia'' for clean energy programs and activities, may be made available only to support and promote the sustainable use of renewable energy technologies and end-use energy efficiency technologies, carbon sequestration, and carbon accounting.

(c) TROPICAL FOREST PROGRAMS.—Funds appropriated under title III of this Act for tropical forest programs shall be used to protect biodiversity, including not less than $2,000,000 to implement and enforce section 8204 of Public Law 110–246, shall not be used to support or promote the expansion of industrial scale logging into primary tropical forests, and shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That of the funds that are available for the Central African Regional Program for the Environment (CARPE) and other tropical forest programs in the Congo Basin, not less than $9,000,000 shall be apportioned directly to the United States Fish and Wildlife Service to implement such programs: *Provided further*, That not less than $10,000,000 shall be made available for biodiversity conservation programs in the Brazilian Amazon, not less than $15,000,000 shall be made available for such programs in the Andean Amazon, and not less than $1,000,000 shall be apportioned directly to the Department of the Interior for programs in the Guatemala Mayan Biosphere Reserve.

(d) AUTHORITY.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law except for the provisions of this section and subject to the regular notification procedures of the Committees on Appropriations, to support climate change and environment programs.

(e) CONSULTATION.—Funds made available pursuant to this section are subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(f) EXTRACTION OF NATURAL RESOURCES.—

(1) Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the extraction of natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative, section 8204 of Public Law 110–246, and the Kimberley Process Certification Scheme, and by providing technical assistance to promote independent audit mechanisms and support civil society participation in natural resource management.

(2)(A) The Secretary of the Treasury shall inform the managements of the international financial institutions and post on the Department of the Treasury's Web site that it is the policy of the United States to vote against any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of a natural resource if the government of the country has in place laws or regulations to prevent or limit the public disclosure of company payments as required by section 1504 of Public Law 111–203, and unless such government has in place functioning systems in the sector in which assistance is being considered for:

(i) accurately accounting for and public disclosure of payments to the host government by companies involved in the extraction and export of natural resources;

(ii) the independent auditing of accounts receiving such payments and public disclosure of the findings of such audits;

(iii) public disclosure of such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(B) The requirements of subparagraph (A) shall not apply to assistance for the purpose of building the capacity of such government to meet the requirements of this paragraph.

(C) Not later than 180 days after enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of natural resources in the preceding 12 months, whether each institution considered, in providing such assistance, the extent to which the country has functioning systems, laws or regulations in place to prevent or limit disclosure of company payments as described in subparagraph (A).

(3) The Secretary of the Treasury or the Secretary of State, as appropriate, shall instruct the United States executive director of each international financial institution and the United States representatives to all forest-related multilateral financing mechanisms and processes, that it is the policy of the United States to vote against the expansion of industrial scale logging into primary tropical forests.

(g) CLEAN TECHNOLOGY FUND.—

(1) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2011, up to $350,000,000 is authorized to be appropriated for a United States contribution to the Clean Technology Fund (the Fund).

(2) LIMITS ON COUNTRY ACCESS.—The Secretary of the Treasury shall use the voice and vote of the United States to ensure that—

(A) the Fund does not provide more than 15 percent of Fund resources to any one country;

(B) prior to the obligation of funds from the Fund to a recipient country, recipient countries shall submit to the governing body of the Fund, and the governing body of the Fund appropriately reviews and considers, an investment plan that will achieve significant net reductions in national-level greenhouse gas emissions;

(C) the investment plan for a recipient country, whose borrowing status is classified by the World Bank as ''International Development Association blend'', shall have at least 15 percent of its total cost for public sector activities contributed from the public funds of the recipient country, and any recipient country whose borrowing status is classified by the World Bank as ''International Bank for Reconstruction and Development Only'' status, shall have at least 25 percent of its total cost for public sector activities contributed from public funds of the recipient country; and

(D) assistance made available by the Fund is used exclusively to support the deployment of clean energy technologies in developing countries (including, where appropriate, through the provision of technical support or support for policy or institutional reforms) in a manner that achieves substantial net reductions in greenhouse gas emissions.

(3) DEFINITIONS.—For purposes of this subsection the definitions contained in section 7081(g)(4) of division F of Public Law 111–117 shall apply to this Act, except that ''Public Sector Activities'' shall mean ''Public Funds''.

PROHIBITION ON PROMOTION OF TOBACCO

SEC. 7070. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 7071. The second sentence of section 23(a) of the Arms Export Control Act, as amended, (Public Law 96–29) is further amended by striking ''and Egypt'' and inserting '', Egypt, and NATO and major non-NATO allies''.

INTERNATIONAL PRISON CONDITIONS

SEC. 7072. (a) Not later than 180 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report, which shall also be made publicly available including on the Department of State's Web site, describing the

conditions in prisons and other detention facilities in at least 30 countries receiving United States assistance, of which 15 countries shall be selected based on the Secretary's determination that such conditions raise the most serious human rights or humanitarian concerns, and 15 countries shall be selected at random.

(b) For purposes of each determination made pursuant to subsection (a), the Secretary shall consider the criteria listed in section 7085(b)(1 through 10) of division F of Public Law 111–117.

(c) Funds appropriated by this Act to carry out the provisions of chapters 1 and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to eliminate inhumane conditions in foreign prisons and other detention facilities.

TRANSPARENCY, ACCOUNTABILITY AND ANTI-KLEPTOCRACY

SEC. 7073. (a) UNITED NATIONS.—

(1) The Secretary of State, following consultation with the Committees on Appropriations, may withhold from obligation funds appropriated under the heading ''International Organizations and Programs'' for a United States contribution to a United Nations organization or agency if the Secretary determines that such organization or agency is not taking adequate steps to increase transparency and accountability.

(2) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing steps taken by the Global Fund to Fight AIDS, Tuberculosis, and Malaria (the Global Fund) to:

(A) maintain and adopt, as necessary, policies and practices to ensure transparency of expenditures, including the authority of the Global Fund Office of Inspector General (OIG) to publish OIG reports on a public Web site without restriction;

(B) ensure that the OIG has the necessary staff, budget, independence, and authority to perform functions consistent with its mandate, Charter and Terms of Reference, such as programmatic audits and evaluations, financial audits, and investigations of alleged misuse, misappropriation and fraud involving any Global Fund grant resources; and

(C) ensure that the Inspector General reports directly to the Global Fund Board without interference.

(3) Of the funds appropriated under the heading ''Contributions for International Peacekeeping Activities'' in this Act, 10 percent should not be obligated until the Secretary of State reports to the Committees on Appropriations that the United Nations Secretariat and the governments of countries providing troops for peacekeeping missions have procedures and agreements to ensure that allegations of sexual abuse or other serious crimes by peacekeeping troops will be credibly and thoroughly investigated and the perpetrators brought to justice, and that information about such cases will be made publicly available and regularly updated in the country where the alleged crime occurred and on the United Nations' Web site.

(4) Of the funds appropriated under title I of this Act that are available for payments to the regular budgets of the United Nations and the Organization of American States, and of the funds appropriated under the heading ''International Organizations and Programs'' in this Act that are available for contributions to United Nations agencies, 10 percent should not be obligated for any such organization until the Secretary of State reports to the Committees on Appropriations that the organization is implementing effective practices to protect whistleblowers (including the organization's employees and others affected by the organization's operations) from retaliation for internal and lawful public disclosures, including—

(A) best practices for legal burdens of proof;

(B) access to independent adjudicative bodies, including external arbitration based on consensus selection and shared costs;

(C) results that eliminate the effects of proven retaliation;

(D) a minimum of a 6-month statute of limitations for reporting retaliation; and

(E) the option of making external disclosures in certain instances, in accordance with standards adopted by the United Nations Secretariat on December 19, 2005.

(5) Of the funds appropriated under the heading ''International Organizations and Programs'' in this Act that are available for a contribution to the United Nations Development Program (UNDP), 10 percent should not be obligated until the Secretary of State reports to the Committees on Appropriations that the UNDP's management is taking the necessary steps to demonstrate UNDP's commitment to make all audit, oversight, and financial information publicly available as soon as possible, and to put in place procedures for publicly reporting on the results of UNDP programs worldwide.

(6) Notwithstanding any other provision of law, the Secretary of State should suspend United States participation in the United Nations Human Rights Council (the Council) unless the Secretary determines and reports to the Committees on Appropriations that continued participation in the Council is in the national interests of the United States.

(b) INTERNATIONAL MONETARY FUND.—

(1) The terms and conditions of section 7086(b)(1) and (2) of division F of Public Law 111–117 shall apply to this Act.

(2) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private creditors.

(3) The Secretary of the Treasury shall seek to ensure that the IMF has adopted and is implementing effective practices to protect whistleblowers (including the IMF's employees, contract employees, consultants, staff of the Board of Executive Directors, and others affected by the IMF's operations) from retaliation for internal and lawful public disclosures, including—

(A) best practices for legal burdens of proof;

(B) access to independent adjudicative bodies, including external arbitration based on consensus selection and shared costs;

(C) results that eliminate the effects of proven retaliation; and

(D) a minimum of a 6-month statute of limitations for reporting retaliation.

(c) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

(1) LIMITATION ON FUNDING.—None of the funds appropriated under titles III and IV of this Act may be made available to the central government of any country that does not meet minimum standards of fiscal transparency: *Provided*, That the Secretary of State shall develop ''minimum standards of fiscal transparency'' to be updated and strengthened, as appropriate, to reflect best practices: *Provided further*, That the Secretary shall make an annual determination of ''progress'' or ''no progress'' for countries that do not meet minimum standards of fiscal transparency and make those determinations publicly available on an annual ''Fiscal Transparency Report''.

(2) MINIMUM STANDARDS OF FISCAL TRANSPARENCY.—For the purposes of paragraph (1), ''minimum standards of fiscal transparency'' shall include standards for the public disclosure of budget documentation, including receipts and expenditures by ministry, and government contracts and licenses for natural resource extraction, to include bidding and concession allocation practices.

(3) WAIVER.—The Secretary of State may waive the limitation on funding in paragraph (1) on a country-by-country basis if the Secretary reports to the Committees on Appropriations that the waiver is important to the national interests of the United States: *Provided*, That such waiver shall identify any steps taken by the government of the country to publicly disclose its national budget and contracts which are additional to those which were undertaken in previous fiscal years, include specific recommendations of short and long-term steps such government can take to improve budget transparency, and identify benchmarks for measuring progress.

(4) ASSISTANCE.—Of the funds appropriated under title III of this Act, not less than $5,000,000 should be made available for programs and activities to assist the central governments of countries named in the list required by paragraph (1) to improve budget transparency or to support civil society organizations in such countries that promote budget transparency: *Provided*, That such sums shall be in addition to funds otherwise made available for such purposes.

(d) ANTI-KLEPTOCRACY.—

(1) Officials of foreign governments and their immediate family members who the Secretary of State has credible information have been involved in significant corruption, including corruption related to the extraction of natural resources, shall be ineligible for entry into the United States.

(2) Individuals shall not be ineligible if entry into the United States would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement: *Provided*, That nothing in this provision shall be construed to derogate from United States Government obligations under applicable international agreements.

(3) The Secretary may waive the application of paragraph (1) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances which caused the individual to be ineligible have changed sufficiently.

(4) Not later than 90 days after enactment of this Act and 180 days thereafter, the Secretary of State shall submit a report, in classified form if necessary, to the Committees on Appropriations describing the information regarding corruption concerning each of the individuals found ineligible pursuant to paragraph (1), a list of any waivers provided under subsection (3), and the justification for each waiver.

DISABILITY PROGRAMS

SEC. 7074. (a) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $5,000,000 shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, and integration of individuals with disabilities, including for the cost of translation, of which up to $1,000,000 shall be made available to support disability advocacy organizations to provide training and technical assistance for disabled persons organizations in such countries.

(b) Funds appropriated under the heading ''Operating Expenses'' in title II of this Act shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal participation of people with disabilities in developing countries.

(c) The Secretary of State, the Secretary of the Treasury, and the USAID Administrator shall seek to ensure that, where practicable, construction projects funded by this Act are accessible to people with disabilities and in compliance with the USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight, and technical support.

BUYING POWER MAINTENANCE, INTERNATIONAL ORGANIZATIONS

SEC. 7075. (a) There may be established in the Treasury of the United States a ''Buying Power Maintenance, International Organizations'' account.

(b) At the end of each fiscal year, the Secretary of State may transfer to, and merge with, ''Buying Power Maintenance, International Organizations'' such amounts from ''Contributions to International Organizations'' as the Secretary determines are in excess of the needs of activities funded from ''Contributions to International Organizations'' because of fluctuations in foreign currency exchange rates.

(c) In order to offset adverse fluctuations in foreign currency exchange rates, the Secretary of State may transfer to, and merge with, ''Contributions to International Organizations'' such amounts from ''Buying Power Maintenance, International Organizations'' as the Secretary determines are necessary to provide for the activities funded from ''Contributions to International Organizations''.

(d)(1) Subject to the limitations contained in this section, not later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available for ''Contributions to International Organizations'', the Secretary of State may transfer any unobligated balance of such funds to the ''Buying Power Maintenance, International Organizations'' account.

(2) The balance of the Buying Power Maintenance, International Organizations account may not exceed $50,000,000 as a result of any transfer under this subsection.

(3) Any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall be available for obligation or expenditure only in accordance with the procedures under such section.

(e)(1) Funds transferred to the ''Buying Power Maintenance, International Organizations'' account pursuant to this section shall remain available until expended.

(2) The transfer authorities in this section shall be available for funds appropriated for fiscal year 2012 and for each fiscal year thereafter, and are in addition to any transfer authority otherwise available to the Department of State under other provisions of law.

PROHIBITION ON FIRST-CLASS TRAVEL

SEC. 7076. None of the funds made available in this Act may be used for first-class travel by employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

MILLENNIUM CHALLENGE CORPORATION COMPACTS

SEC. 7077. (a) EXTENSION OF COMPACTS.—Section 609(j) of the Millennium Challenge Act of 2003 (22 U.S.C. 7708(j)) is amended to read as follows:

''(j) EXTENSION OF COMPACT.—

''(1) IN GENERAL.—Except as provided under paragraph (2), the duration of a Compact shall not exceed 5 years.

''(2) EXCEPTION.—The duration of a Compact may be extended beyond 5 years if the Board—

''(A) determines that a project included in the Compact cannot be completed within 5 years; and

''(B) approves an extension of the Compact that does not extend the total duration of the Compact beyond 7 years.

''(3) CONGRESSIONAL NOTIFICATION.—Not later than 15 days before the date on which the Board is scheduled to vote on the extension of a Compact beyond 5 years pursuant to paragraph (2), the Board, acting through the Chief Executive Officer, shall—

''(A) notify the Committees on Appropriations, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, of its intent to approve such extension; and

''(B) provide such committees with a detailed explanation for the determination and approval described in paragraph (2).''.

(b) CONCURRENT AND SUBSEQUENT COMPACTS.—Section 609(k) of such Act (22 U.S.C. 7708(k)) is amended to read as follows:

''(k) CONCURRENT AND SUBSEQUENT COMPACTS.—

''(1) IN GENERAL.—Subject to paragraph (2), and in accordance with the requirements of this title, an eligible country and the United States may enter into and have in effect concurrent and/or subsequent Compacts.

''(2) REQUIREMENTS.—An eligible country and the United States may enter into concurrent or subsequent Compacts if the Board determines that such country—

''(A) is making significant, consistent progress in implementing the terms of its existing Compact(s) and supplementary agreements to such Compact(s); and

''(B) will contribute, in the case of a Low Income Country as defined in section 606(a), not less than a 7.5 percent contribution of the total amount agreed upon for a subsequent Compact, or in the case of a Lower Middle Income Country (LMIC) as defined in section 606(b), a 15 percent contribution for a subsequent Compact.

''(3) FUNDING.—Millennium Challenge Corporation (MCC) shall commit any funding for a concurrent Compact at the time it funds the Compact.

''(4) TIMING.—A concurrent Compact shall be signed not later than 2 years after the signing of the earlier compact.

''(5) LIMITATION ON COMPACTS.—The MCC shall provide no more than 15 years of compact funding to any country.''.

(c) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to Compacts entered into between the United States and an eligible country under the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.) before, on or after enactment of this Act, and those made by subsection (b) shall apply prospectively to new compacts.

(d) MAINTAINING CANDIDATE STATUS FOR PURPOSES OF INCOME CATEGORY.—Section 606 of the Millennium Challenge Act of 2003 (22 U.S.C. 7705) is amended as follows:

(1) Section (a)(1) is amended by striking the words ''**Fiscal year 2004**'' and inserting ''**In general**'', and by striking the words ''for fiscal year 2004'' and inserting ''for a fiscal year''.

(2) Section (a)(1)(A) is stricken and replaced with the following: ''The country has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year involved and is among the 75 lowest per capita income countries as identified by the World Bank; and'';

(3) Section (a)(2) is stricken.

(4) Section (b)(1)(A) is stricken and replaced with the following: ''has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year involved and is not among the 75 lowest per capita income countries as identified by the World Bank; and''.

(e) Section 606 is amended by inserting the following—

''(d) INCOME CLASSIFICATION TRANSITION.—Any country with a per capita income that changes in a given fiscal year such that the country would be reclassified in that fiscal year from a low income country to a lower middle income country or from a lower middle income country to a low income country shall retain its candidacy status in its former income classification for the fiscal year of the country's transition and the two subsequent fiscal years.''.

INSPECTORS GENERAL PERSONNEL

SEC. 7078. (a)(1) The provisions in this section shall apply to the Inspector General of the Department of State and the Inspector General of the United States Agency for International Development (USAID).

(2) The term ''Government Employee'' has the meaning given the term employee in section 2105 of title 5, United States Code.

(3) The Inspector General may waive any of the following provisions to employ annuitants (individuals who are entitled to benefits under a retirement system for Government employees): subsections (a) through (d) of section 8344 of title 5, United States Code; subsections (a), (b) and (e) of section 8468 of title 5, United States Code; subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064); and any other similar provision of law, as identified by the Inspector General in regulations: *Provided*, That the Inspector General may exercise this authority: only on a case-by-case basis and only for so long as is necessary; when necessary due to exceptional difficulty in the recruitment or retention of a qualified employee for the position involved or a temporary emergency hiring need; as long as it does not cause the number of employees within the Office of Inspector General (OIG) employed under this or other similar authority to exceed, as of any given date, 15 percent of the total OIG workforce, determined on a full-time equivalent basis; and this authority is repealed on October 1, 2014, except that an annuitant re-employed pursuant to the waiver in this section before October 1, 2014, may continue such employment until not later than September 30, 2015.

(4) Nothing in this section may be construed to permit or require that any re-employed annuitant benefitting from a waiver of a provision of law set forth in this section be treated as a Government employee for purposes of the retirement system to which such provision relates.

(5) The Inspector General is authorized to obtain services under section 3109 of title 5, United States Code, without regard to subsections (d)(1) of such section, and is considered the head of the agency under subsection (b) of such section for purposes of exercising this authority.

(A) Services may be obtained by the Inspector General for a period of up to 1 year, with an option to extend such services for an additional 2 years, and that the total number of individuals employed under this section shall not exceed 15 percent of the total Department of State OIG workforce or 5 percent of the total USAID OIG workforce, determined on a full-time equivalent basis.

(B) The authority to obtain such services shall expire on September 30, 2014 except

that an individual whose service under this subsection is procured before October 1, 2014, may continue to provide such service until not later than September 30, 2015.

(b) Section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929) is amended by:

(1) striking paragraph (5) in subsection (c); and

(2) in subsection (d)(2)—

(A) adding ''and'' at the end of subparagraph (D)

(B) striking ''; and'' and inserting a period at the end of subparagraph (E); and

(C) striking subparagraph (F).

CONSULAR AFFAIRS PILOT PROGRAMS

SEC. 7079. (a) TOURIST VISA SERVICES PILOT PROGRAM.—

(1)(A) The Secretary of State shall implement the necessary steps, including hiring a sufficient number of consular officers which may include limited non-career appointment officers, in the People's Republic of China, Brazil, and India to meet the Department of State's standard of interviewing all tourist visa applicants within 30 days of the date of submitting their application.

(B) The Secretary of State shall also conduct a risk and benefit analysis regarding the extension of the expiration period for B–1 or B–2 visas for citizens of the People's Republic of China from 1 year to 2 years before requiring consular officers to re-interview a visa applicant.

(2) Not later than 90 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on Consular Affairs programs in the People's Republic of China, Brazil, and India including steps the Department of State has taken in these countries to meet the State Department's visa processing standards; a 5-year forecast of non-immigrant visas for each of these countries and the number of consular officers necessary to meet the State Department's standards; a comparison of the Department of State's 5-year forecast with the Commerce Department's 5-year visitor arrival projections; and the impact of the different projections on visa process times and required number of consular officers.

(b) VIDEO CONFERENCE PILOT PROGRAM.—

(1) The Secretary of State may develop and conduct a pilot program for the processing of B–1 and B–2 visas using secure remote videoconferencing technology as a method for conducting visa interviews of applicants, and in consultation with other Federal agencies that use such secure communications to help ensure security of the videoconferencing transmission and encryption.

(2) Not later than 90 days after the end of such a pilot program, the Secretary shall submit a report to the Committees on Appropriations detailing the results of such program including an assessment of the efficacy, efficiency, and security of the remote videoconferencing technology as a method for conducting visa interviews of applicants and recommendations for whether it should be continued, broadened, or modified.

(3) No pilot program should be conducted if the Secretary determines and reports to the Committees on Appropriations that such program poses an undue security risk and that it cannot be conducted in a manner consistent with maintaining security controls.

WORKING CAPITAL FUND

SEC. 7080. (a) The Administrator of the United States Agency for International Development (the Administrator) is authorized to establish a Working Capital Fund (in this section referred to as the ''Fund'').

(b) Funds deposited in the Fund during any fiscal year shall be available without fiscal year limitation and used, in addition to other funds available for such purposes, for agency procurement reform efforts and related administrative costs: *Provided*, That such expenses may include—

(1) personal and non-personal services;

(2) training;

(3) supplies; and

(4) other administrative costs related to the implementation of procurement reform and management of the Fund.

(c) There may be deposited during any fiscal year in the Fund up to 1 percent of the total value of obligations entered into by the United States Agency for International Development (USAID) from appropriations available to USAID and any appropriation made available for the purpose of providing capital: *Provided*, That receipts from the disposal of, or repayments for the loss or damage to, property held in the Fund, rebates, reimbursements, refunds and other credits applicable to the operation of the Fund may be deposited into the Fund.

(d) Not later than 45 days after enactment of this Act and any subsequent Act making appropriations for the Department of State, foreign operations, and related programs, the Administrator shall submit to the Committees on Appropriations an operating plan for funds deposited in the Fund, which shall include the percentage to be charged for the current fiscal year.

(e) At the close of fiscal year 2013 and at the close of each fiscal year thereafter, the Administrator shall determine the amounts in excess of the needs of the Fund for that fiscal year and shall transfer out of the Fund any excess amounts to any of the original appropriation accounts from which deposits were made: *Provided*, That such transferred funds shall remain available without fiscal year limitation: *Provided further*, That the Administrator shall report to the Committees on Appropriation the excess amounts and to which appropriation accounts the excess funds will be transferred: *Provided further*, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations.

PROCUREMENT REFORM

SEC. 7081. (a) LOCAL COMPETITION.—Notwithstanding any other provision of law, the Administrator of the United States Agency for International Development (the Administrator) may, with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, award contracts and other instruments in which competition is limited to local entities if doing so would result in cost savings, develop local capacity, or enable the Administrator to initiate a program or activity in appreciably less time than if competition were not so limited: *Provided*, That the authority provided in this section may not be used to make awards in excess of $5,000,000.

(b) For the purposes of this section, local entity means an individual, a corporation, or another body of persons located in or having as its principal place of business or operations in a country receiving assistance from funds appropriated in title III of this Act.

OPERATING AND SPEND PLANS

SEC. 7082. (a) OPERATING PLANS.—Not later than 45 days after the date of enactment of this Act, each department, agency or organization funded in titles I and II, and the Department of the Treasury and Independent Agencies funded in title III of this Act shall submit to the Committees on Appropriations an operating plan for funds appropriated to such department, agency, or organization in such titles of this Act, or funds otherwise available for obligation in fiscal year 2012, that provides details of the use of such funds at the program, project, and activity level.

(b) SPEND PLANS.—Prior to the initial obligation of funds, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a detailed spend plan, which shall include achievable and sustainable goals, benchmarks for measuring progress, and expected results, for the following—

(1) funds appropriated under the heading ''Democracy Fund'';

(2) funds made available in titles III and IV of this Act for assistance for Afghanistan, Pakistan, Iraq, Haiti, Colombia, and Mexico, for the Caribbean Basin Security Initiative, and the Central American Regional Security Initiative; and

(3) funds appropriated in title III for food security and agriculture development programs and for climate change and environment programs.

(c) NOTIFICATIONS.—The spend plans referenced in subsection (b) shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

AUTHORITY FOR CAPITAL INCREASES

SEC. 7083. (a) INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The Bretton Woods Agreements Act, as amended (22 U.S.C. 286 et seq.), is further amended by adding at the end thereof the following new sections:

''SEC. 69. ACCEPTANCE OF AN AMENDMENT TO THE ARTICLES OF AGREEMENT OF THE BANK TO INCREASE BASIC VOTES.

''The United States Governor of the Bank may accept on behalf of the United States the amendment to the Articles of Agreement of the Bank as proposed in resolution No. 596, entitled 'Enhancing Voice and Participation of Developing and Transition Countries,' of the Board of Governors of the Bank that was approved by such Board on January 30, 2009.

''SEC. 70. CAPITAL STOCK INCREASES.

''(a) INCREASES AUTHORIZED.—The United States Governor of the Bank is authorized—

''(1)(A) to vote in favor of a resolution to increase the capital stock of the Bank on a selective basis by 230,374 shares; and

''(B) to subscribe on behalf of the United States to 38,459 additional shares of the capital stock of the Bank, as part of the selective increase in the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts;

''(2)(A) to vote in favor of a resolution to increase the capital stock of the Bank on a general basis by 484,102 shares; and

''(B) to subscribe on behalf of the United States to 81,074 additional shares of the capital stock of the Bank, as part of the general increase in the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

''(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) In order to pay for the increase in the United States subscription to the Bank under subsection (a)(2)(B), there are authorized to be appropriated, without fiscal year limitation, $9,780,361,991 for payment by the Secretary of the Treasury.

''(2) Of the amount authorized to be appropriated under paragraph (2)(A)—

''(A) $586,821,720 shall be for paid in shares of the Bank; and

''(B) $9,193,540,271 shall be for callable shares of the Bank.''.

(b) INTERNATIONAL FINANCE CORPORATION.—The International Finance Corporation Act, Public Law 84–350, as amended (22 U.S.C. 282

et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 17. SELECTIVE CAPITAL INCREASE AND AMENDMENT OF THE ARTICLES OF AGREEMENT.

''(a) VOTE AUTHORIZED.—The United States Governor of the Corporation is authorized to vote in favor of a resolution to increase the capital stock of the Corporation by $130,000,000.

''(b) AMENDMENT OF THE ARTICLES OF AGREEMENT.—The United States Governor of the Corporation is authorized to agree to and accept an amendment to Article IV, Section 3(a) of the Articles of Agreement of the Corporation that achieves an increase in basic votes to 5.55 percent of total votes.''.

(c) INTER-AMERICAN DEVELOPMENT BANK.—The Inter-American Development Bank Act, Public Law 86–147, as amended (22 U.S.C. 283 et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 41. NINTH CAPITAL INCREASE.

''(a) VOTE AUTHORIZED.—The United States Governor of the Bank is authorized to vote in favor of a resolution to increase the capital stock of the Bank by $70,000,000,000 as described in Resolution AG–7/10, 'Report on the Ninth General Capital Increase in the resources of the Inter-American Development Bank' as approved by Governors on July 21, 2010.

''(b) SUBSCRIPTION AUTHORIZED.—

''(1) The United States Governor of the Bank may subscribe on behalf of the United States to 1,741,135 additional shares of the capital stock of the Bank.

''(2) Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

''(c) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) In order to pay for the increase in the United States subscription to the Bank under subsection (b), there are authorized to be appropriated, without fiscal year limitation, $21,004,064,337 for payment by the Secretary of the Treasury.

''(2) Of the amount authorized to be appropriated under paragraph (1)—

''(A) $510,090,175 shall be for paid in shares of the Bank; and

''(B) $20,493,974,162 shall be for callable shares of the Bank.''.

(d) AFRICAN DEVELOPMENT BANK.—The African Development Bank Act, Public Law 97–35, as amended (22 U.S.C. 290i et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 1344. SIXTH CAPITAL INCREASE.

''(a) SUBSCRIPTION AUTHORIZED.—

''(1) The United States Governor of the Bank may subscribe on behalf of the United States to 289,391 additional shares of the capital stock of the Bank.

''(2) Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

''(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) In order to pay for the increase in the United States subscription to the Bank under subsection (a), there are authorized to be appropriated, without fiscal year limitation, $4,322,228,221 for payment by the Secretary of the Treasury.

''(2) Of the amount authorized to be appropriated under paragraph (1)—

''(A) $259,341,759 shall be for paid in shares of the Bank; and

''(B) $4,062,886,462 shall be for callable shares of the Bank.''.

(e) EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The European Bank for Reconstruction and Development Act, Section 562(c) of Public Law 101–513, as amended (22 U.S.C. 2901 et seq.), is further amended by adding at the end thereof the following new paragraph:

''(12) CAPITAL INCREASE.—

''(A) SUBSCRIPTION AUTHORIZED.—

''(i) The United States Governor of the Bank may subscribe on behalf of the United States up to 90,044 additional callable shares of the capital stock of the Bank in accordance with Resolution No. 128 as adopted by the Board of Governors of the Bank on May 14, 2010.

''(ii) Any subscription by the United States to additional capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

''(B) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the increase in the United States subscription to the Bank under subsection (A), there are authorized to be appropriated, without fiscal year limitation, up to $1,252,331,952 for payment by the Secretary of the Treasury.''.

AUTHORITY FOR REPLENISHMENTS

SEC. 7084. (a) INTERNATIONAL DEVELOPMENT ASSOCIATION.—The International Development Association Act, Public Law 86–565, as amended (22 U.S.C. 284 et seq.), is further amended by adding at the end thereof the following new sections:

"SEC. 26. SIXTEENTH REPLENISHMENT.

''(a) The United States Governor of the International Development Association is authorized to contribute on behalf of the United States $4,075,500,000 to the sixteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $4,075,500,000 for payment by the Secretary of the Treasury.

"SEC. 27. MULTILATERAL DEBT RELIEF.

''(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $474,000,000 to the International Development Association for the purpose of funding debt relief cost under the Multilateral Debt Relief Initiative incurred in the period governed by the sixteenth replenishment of resources of the International Development Association, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than $474,000,000 for payment by the Secretary of the Treasury.

''(c) In this section, the term 'Multilateral Debt Relief Initiative' means the proposal set out in the G8 Finance Ministers' Communiqué entitled 'Conclusions on Development', done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005.''.

(b) AFRICAN DEVELOPMENT BANK.—The African Development Fund Act, Public Law 94–302, as amended (22 U.S.C. 290g et seq.), is further amended by adding at the end thereof the following new sections:

"SEC. 221. TWELFTH REPLENISHMENT.

''(a) The United States Governor of the Fund is authorized to contribute on behalf of the United States $585,000,000 to the twelfth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $585,000,000 for payment by the Secretary of the Treasury.

"SEC. 222. MULTILATERAL DEBT RELIEF.

''(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $60,000,000 to the African Development Fund for the purpose of funding debt relief costs under the Multilateral Debt Relief Initiative incurred in the period governed by the twelfth replenishment of resources of the African Development Fund, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than $60,000,000 for payment by the Secretary of the Treasury.

''(c) In this section, the term 'Multilateral Debt Relief Initiative' means the proposal set out in the G8 Finance Ministers' Communiqué entitled 'Conclusions on Development', done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005.''.

AUTHORITY FOR THE FUND FOR SPECIAL OPERATIONS

SEC. 7085. Up to $36,000,000 of funds appropriated for the account ''Department of the Treasury, Debt Restructuring'' by the Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10, Division B) may be made available for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of debt relief provided to Haiti in view of the Cancun Declaration of March 21, 2010.

ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS

SEC. 7086. Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 104C, the following new section:

"SEC. 104D. ELIGIBILITY FOR ASSISTANCE.

''Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under sections 104, 104A, 104B, and 104C—

''(1) a foreign nongovernmental organization shall not be ineligible for such assistance solely on the basis of health or medical services, including counseling and referral services, provided by such organization with non-United States Government funds if such services are permitted in the country in which they are being provided and would not violate United States law if provided in the United States; and

''(2) a foreign nongovernmental organization shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under this part.''.

(RESCISSIONS)

SEC. 7087. (a) Of the funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading ''Diplomatic and Consular Programs'', $13,700,000 are rescinded, of which $8,000,000 shall be from funds for Worldwide Security Protection: *Provided*, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Of the unexpended balances available under the heading ''Export and Investment Assistance, Export-Import Bank of the United States, Subsidy Appropriation'' from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $300,000,000 are rescinded.

(c) Of the unexpended balances available to the President for bilateral economic assistance under the heading ''Economic Support Fund'' from prior Acts making appropriations for the Department of State, foreign operations, and related programs, $150,000,000 are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) The Secretary of State, as appropriate, shall consult with the Committees on Appropriations prior to implementing the rescissions made in this section.

TITLE VIII

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Diplomatic and Consular Programs'', $3,773,701,000, to remain available until September 30, 2013, of which $236,201,000 is for Worldwide Security Protection and shall remain available until expended: *Provided*, That the Secretary of State may transfer up to $230,000,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated under this heading may be made available pursuant to the authority of section 7032(u) of this Act: *Provided further*, That each amount in this paragraph is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $63,954,000, to remain available until September 30, 2013, of which $16,317,000 shall be for the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and $44,387,000 shall be for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight: *Provided*, That each amount in this paragraph is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $17,900,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

UNITED STATES INSTITUTE FOR PEACE

For an additional amount for ''United States Institute for Peace'', $8,411,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $106,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $150,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

TRANSITION INITIATIVES

For an additional amount for ''Transition Initiatives'', $3,500,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

COMPLEX CRISES FUND

For an additional amount for ''Complex Crises Fund'', $45,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,172,821,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $100,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $1,163,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', $27,500,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $30,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $989,000,000, to remain available until September 30, 2013: *Provided*, That this amount is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

PAKISTAN COUNTER-INSURGENCY CAPABILITY FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 8 of part I and chapters 2, 5, 6, and 8 of part II of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act, $1,000,000,000, to remain available until September 30, 2012, for the purpose of providing assistance for Pakistan to build and maintain the counter-insurgency capability of Pakistani security forces (including the Frontier Corps), to include program management, training in civil-military humanitarian assistance, human rights training, and the provision of equipment, supplies, services, training, and facility and infrastructure repair, renovation, and construction: *Provided*, That notwithstanding any other provision of law except section 620M of the Foreign Assistance Act of 1961, as amended by this Act, such funds shall be available to the Secretary of State, with the concurrence of the Secretary of Defense: *Provided further*, That such funds may be transferred by the Secretary of State to the Department of Defense or other Federal departments or agencies to support counter-insurgency operations and may be merged with, and be available, for the same purposes and for the same time period as the appropriation or fund to which transferred or may be transferred pursuant to the authorities contained in the Foreign Assistance Act of 1961: *Provided further*, That the Secretary of State shall, not fewer than 15 days prior to making transfers from this appropriation, notify the Committees on Appropriations, in writing, of the details of any such transfer: *Provided further*, That the Secretary of State shall submit not later than 30 days after the end of each fiscal quarter to the Committees on Appropriations a report in writing summarizing, on a project-by-project basis, the uses of funds under this heading: *Provided further*, That upon determination by the Secretary of State, with the concurrence of the Secretary of Defense, that all or part of the funds so

transferred from this appropriation are not necessary for the purposes herein, such amounts may be transferred by the head of the relevant Federal department or agency back to this appropriation and shall be available for the same purposes and for the same time period as originally appropriated: *Provided further*, That any required notification or report may be submitted in classified form: *Provided further*, That the amount in this paragraph is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

GLOBAL SECURITY CONTINGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the ''Global Security Contingency Fund''.

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Arms Export Control Act to provide assistance, notwithstanding any other provision of law except sections 620A and 620M of the Foreign Assistance Act of 1961, as amended by this Act, for countries designated by the Secretary of State to enhance the capabilities of military and police forces, and other security forces that conduct border and maritime security, internal security, and counter-terrorism operations, as well as government agencies responsible for such forces, and to strengthen democratic institutions including the justice sector (including corrections) and respect for human rights and the rule of law, where the Secretary of State, in consultation with the Secretary of Defense, determines that conflict or instability in a country or region significantly challenges the local capacity to deliver such assistance, $50,000,000, to remain available until September 30, 2013: *Provided*, That such assistance programs shall be formulated by the Secretary of State in consultation with the Secretary of Defense: *Provided further*, That programs carried out under this heading shall be approved by the Secretary of State, in consultation with the Secretary of Defense, prior to implementation: *Provided further*, That the authorities and requirements of the Foreign Assistance Act of 1961 shall apply to funds made available under this heading: *Provided further*, That funds made available to the Department of Defense in fiscal year 2012 may be transferred to, and merged with, funds appropriated under this heading by the Secretary of Defense: *Provided further*, That funds made available under this heading may be transferred to the most appropriate agency or account to facilitate the provision of such assistance: *Provided further*, That the transfer authorities under this paragraph are in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the amounts in this account may be used for necessary administrative expenses of the agencies planning and carrying out programs: *Provided further*, That the head of any agency may detail personnel to the Department of State to carry out activities funded under this heading with or without reimbursement for all or part of the costs of salaries and other expenses associated with such personnel: *Provided further*, that no obligation or transfer of funds may be made unless the Secretary of State and the Secretary of Defense have notified the Committees on Appropriations at least 15 days prior to any such obligation or transfer: *Provided further*, That the amount in this paragraph is designated by Congress as being for overseas contingency operations pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

GENERAL PROVISIONS

SEC. 8001. Notwithstanding any other provision of law, funds made available under the heading ''Overseas Contingency Operations'' are in addition to amounts appropriated or otherwise made available for the Department of State for fiscal year 2012.

SEC. 8002. Unless otherwise provided for in this Act, additional amounts appropriated under the heading ''Overseas Contingency Operations'' to appropriation accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts.

SEC. 8003. Notwithstanding any other provision of law except section 620M of the Foreign Assistance Act, as amended by this Act, funds appropriated by this title may be transferred to, and merged with, funds appropriated by this title under the headings ''Diplomatic and Consular Programs'', ''Worldwide Security Protection'', ''Office of Inspector General'', ''Contributions for International Peacekeeping Activities'', ''United States Institute for Peace'', ''United States Agency for International Development, Funds Appropriated to the President, Operating Expenses'', ''United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General'', ''International Disaster Assistance'', ''Transition Initiatives'', ''Complex Crises Fund'', ''Economic Support Fund'', ''Migration and Refugee Assistance'', ''International Narcotics Control and Law Enforcement'', ''Nonproliferation, Anti-terrorism, Demining, and Related Programs'', ''Peacekeeping Operations'', ''Foreign Military Financing Program'', ''Pakistan Counter-insurgency Capability Fund'', and ''Global Stability Contingency Fund'': *Provided*, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the transfer authority in this section is in addition to any transfer authority otherwise available under any other provision of law, including section 610 of the Foreign Assistance Act which may be exercised by the Secretary of State for the purposes of this title.

This Act may be cited as the ''Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012''.

SA 958. Mr. REID proposed an amendment to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; as follows.

At the end, add the following new section:

SEC._____.

This Act shall become effective 7 days after enactment.

SA 959. Mr. REID proposed an amendment to amendment SA 958 proposed by Mr. REID to the amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; as follows:

In the amendment, strike ''7 days'' and insert ''6 days''.

SA 960. Mr. REID proposed an amendment to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; as follows:

At the end, add the following new section:

SEC._____.

This Act shall become effective 5 days after enactment.

SA 961. Mr. REID proposed an amendment to amendment SA 960 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; as follows:

In the amendment, strike ''5 days'' and insert ''4 days''.

SA 962. Mr. REID proposed an amendment to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; as follows:

At the end, add the following new section:

SEC._____.

This Act shall become effective 3 days after enactment.

SA 963. Mr. REID proposed an amendment to amendment SA 962 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

SA 964. Mr. REID proposed an amendment to amendment SA 963 proposed by Mr. REID to the amendment SA 962 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; as follows:

In the amendment, strike ''2 days'' and insert ''1 day''.

SA 965. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used for the Yucca Mountain Nuclear Waste Repository except for costs relating to the orderly closeout of the Repository.

SA 966. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, strike lines 1 through 5.

SA 967. Mr. PAUL submitted an amendment intended to be proposed to

amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5____. None of the funds made available to the Corps of Engineers, the Environmental Protection Agency, or the Office of Surface Mining Reclamation and Enforcement under this Act may be used to carry out, implement, administer, or enforce any policy or procedure set forth in—

(1) the memorandum issued by the Environmental Protection Agency and Department of the Army entitled ''Enhanced Surface Coal Mining Pending Permit Coordination Procedures'' and dated June 11, 2009;

(2) the guidance (including any revision of the guidance) issued by the Environmental Protection Agency entitled ''Improving EPA Review of Appalachian Surface Coal Mining Operations under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Executive Order'' and dated April 1, 2010;

(3) the final guidance issued by the Environmental Protection Agency entitled ''Improving EPA Review of Appalachian Surface Coal Mining Operations Under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Order'' and dated July 21, 2011; or

(4) any draft or final criteria document of the Environmental Protection Agency that relates to ambient water quality criteria for conductivity in freshwater, including the document entitled ''A Field-Based Aquatic Life Benchmark for Conductivity in Central Appalachian Streams'' and dated March 2011, that is based on a field methodology that quantifies narrative conductivity criteria or develops numeric conductivity criteria.

SA 968. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 44, strike line 6 and all that follows through page 46, line 23.

On page 218, between lines 6 and 7 insert the following:

SEC.__. There is appropriated, out of any funds in the Treasury not otherwise appropriated, for the highway bridge program established under section 144 of title 23, United States Code, $238,000,000, to remain available until expended.

SA 969. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division C, add the following:

SEC. 7088. (a) Subject to subsections (b), (c), and (d), the Secretary of the Treasury shall direct the United States Executive Director of each international financial institution—

(1) to use the voice and vote of the United States to oppose the provision of a loan to the Government of Argentina by that institution; and

(2) to initiate discussions with the other Executive Directors of the institution to advocate for and vigorously promote efforts to encourage the Government of Argentina—

(A) to repay debts owed to the official creditors of Argentina;

(B) to repay debts owed to the private creditors of Argentina;

(C) to comply with recommendations of the Financial Action Task Force; and

(D) to comply with dispute settlement proceedings under the auspices of the International Centre for Settlement of Investment Disputes.

(b) Subsection (a)(1) does not apply to loans to the Government of Argentina to serve basic human needs.

(c) The President may waive the application of subsection (a)(1) if the President determines and reports to Congress that—

(1) applying that subsection would cause serious harm to the national security of the United States; or

(2) it is in the vital economic interests of the United States to do so.

(d) The provisions of this section shall terminate on the date on which the Secretary of the Treasury certifies to Congress that the Government of Argentina has made substantial progress in each of the following areas:

(1) Repaying debts owed to the official creditors of Argentina.

(2) Repaying debts owed to the private creditors of Argentina.

(3) Complying with recommendations of the Financial Action Task Force.

(4) Complying with dispute settlement proceedings under the auspices of the International Centre for Settlement of Investment Disputes.

(e) In this section, the term ''international financial institution'' means any of the institutions specified in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)).

SA 970. Mr. MCCAIN (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title I, at the end of the sections under the heading ''GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL'', add the following:

SEC. _____. None of the funds made available by this Act may be used for any noncompetitive contract issued by the Corps to any Alaska Native Corporation or any subsidiary of any Alaska Native Corporation for the procurement of services in an amount that exceeds $4,000,000 or for the procurement of property in an amount that exceeds $6,500,000 unless—

(1) the contracting officer justifies in writing the use of the contract; and

(2) the justification—

(A) includes a determination that the noncompetitive contract is in the best interest of the Department of the Army;

(B) is approved by the appropriate official in the Department of the Army authorized to approve contract awards for dollar amounts comparable to the amount of the noncompetitive contract; and

(C) the justification and related information are made available to the public.

SA 971. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading ''DEFENSE ENVIRONMENTAL CLEANUP'' under the heading ''ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES'' of title III of division A, before the period, insert the following: '': *Provided further*, That not more than $933,712,000 may be used for cleanup activities under this heading at the Hanford site and, not later than 60 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing alternatives for minimizing the total costs necessary to ensure contamination associated with the Hanford site does not pose risks to human health and safety or the environment off-site and provides an accounting for funds that have been spent on cleanup on the site before the date of enactment of this Act''.

SA 972. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 44, beginning on line 9, strike ''renewable energy'' and all that follows through ''2005'' on line 21, and insert ''eligible projects under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), $200,000,000 is appropriated, to remain available until expended: *Provided*, That the amounts in this section are in addition to those provided in any other Act''.

SA 973. Mr. BLUNT (for himself, Mr. INHOFE, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter under the heading ''GENERAL PROVISIONS'' of title V, insert the following:

SEC. _____. (a) Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended—

(1) by designated the first, second, and third sentences as paragraphs (1) through (3) respectively; and

(2) in paragraph (3) (as so designated), by inserting ''private landownership and private use of land,'' before ''recreational opportunities''.

(b) Section 10 of the Federal Power Act (16 U.S.C. 803) is amended—

(1) in subsection (a)(1), by inserting ''private landownership and private use of land,'' after ''water supply''; and

(2) by adding at the end the following:

''(k) In developing any recreational resource within the project boundary, the licensee shall consider private landownership as a means to encourage and facilitate—

''(1) private investment; and

''(2) increased tourism and recreational use.''.

(c) Section 28 of the Federal Power Act (16 U.S.C. 822) is repealed.

SA 974. Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter under the heading ''GENERAL PROVISIONS'' of title V, insert the following:

SEC. ____. (a) None of the funds appropriated or otherwise made available by this Act shall be used by the Federal Energy Regulatory Commission to issue any order, including any order at the request of the licensee, directing the licensee of the Osage Hydroelectric Project No. 459 project to remove or dismantle residential dwellings or structures that are located within the project boundary unless the licensee has first submitted a plan to revise the project boundary.

(b) The Federal Energy Regulatory Commission shall not withhold approval of the plan described in subsection (a) if the plan will preserve the primary purpose of power generation of the project.

(c) Licensee resolution of the project boundary described in subsection (a) shall include the following actions:

(1) The contour elevation at 662 feet Union Electric datum shall be the new project boundary.

(2) Any existing structure on any property owned by any private owner with a valid property right (as of the date of enactment of this Act) above the contour elevation described in paragraph (1) shall no longer be considered within the project boundary.

(3) Any encroachment on land within the project boundary above the contour elevation described in paragraph (1) is consistent with the purposes of the project unless the encroachment significantly impedes the Bagnell Dam from generating power.

SA 975. Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading ''CONSTRUCTION, GENERAL'' under the heading ''CORP OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY'' under the heading ''CORP OF ENGINEERS—CIVIL'' insert ''of which not more than $22,000,000 shall be made available to carry out Missouri River Fish and Wildlife Recovery activities;'' after ''Public Law 104–303;''.

SA 976. Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division A, add the following:

SEC. 1____. Any levee, lock, or dam that is damaged or destroyed by major disaster or emergency declared by the Governor of the State and concurred in by the Secretary of Homeland Security, or declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and that is in operation or under construction on the date on which the disaster occurs—

(1) may be reconstructed in the same location with the same capacity, dimensions, and design as before the disaster or emergency using amounts made available by this Act; and

(2) shall be exempt from any environmental reviews, approvals, licensing, and permit requirements under—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(E) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

(F) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

(G) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(H) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetland); and

(I) any Federal law (including regulations) requiring no net loss of wetland.

SA 977. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, between lines 19 and 20, insert the following:

SEC. ____. (a) The Internal Revenue Service shall develop and implement a comprehensive initiative to prevent, detect, and resolve instances of tax fraud involving identity theft. The initiative shall include: (1) a report to Congress outlining and describing the Internal Revenue Service's initiative, including measures it will use to evaluate the initiative's effectiveness, submitted not later than 180 days after the date of the enactment of this Act; (2) an expansion of the Identity Protection Personal Identification Number (ID PIN) program; (3) the establishment of a Local Law Enforcement Liaison to facilitate and coordinate, to the extent permissible, tax fraud investigations with State and local law enforcement agencies; and (4) an evaluation of the role of prepaid debit cards and commercial tax preparation software in facilitating fraudulent tax refunds.

(b) The Secretary of the Treasury shall review whether current Federal tax laws and regulations related to the confidentiality and disclosure of return information prevent the effective enforcement of local, State, and Federal identity theft statutes, and submit a report to Congress not later than 180 days after the date of the enactment of this Act with such legislative recommendations as may be appropriate.

SA 978. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 134, after line 23, add the following:

SEC. _____. (a) ELIGIBILITY FOR STATE SWIMMING POOL SAFETY GRANT PROGRAM OF CONSUMER PRODUCT SAFETY COMMISSION.—Section 1405(b)(1)(A) of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8004(b)(1)(A)) is amended by inserting ''new'' before ''swimming pools''.

(b) RETENTION OF UNEXPENDED AND UNOBLIGATED AMOUNTS.—Section 1405(e) of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8004(e)) is amended by striking ''fiscal year 2011'' and inserting ''fiscal years 2011 and 2012''.

(c) REDUCTION IN MINIMUM STATE LAW REQUIREMENTS.—Section 1406(a)(1)(A)(iv) of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8005(a)(1)(A)(iv)) is amended by striking ''; and'' and inserting ''; or''.

(d) ELIMINATION OF REQUIREMENT FOR REFLECTION OF NATIONAL PERFORMANCE STANDARDS AND COMMISSION GUIDELINES.—Section 1406(a) of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8005(a)) is amended by striking paragraph (4).

SA 979. Mr. BEGICH– (for himself, Mr. MCCAIN, Mr. VITTER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division A, add the following:

SEC. 313. (a) Of the amounts appropriated or otherwise made available by this title under the heading ''NATIONAL NUCLEAR SECURITY ADMINISTRATION'' under the heading ''ATOMIC ENERGY DEFENSE ACTIVITIES''—

(1) the amount appropriated under the heading ''WEAPONS ACTIVITIES'' is hereby increased by $321,474,000; and

(2) the amount appropriated under the heading ''DEFENSE NUCLEAR NONPROLIFERATION (INCLUDING RESCISSION)'' is hereby increased by $85,131,000.

(b) The amount to be appropriated or otherwise made available for the Patriot/MEADS Combined Aggregate Program for fiscal year 2012 should be $406,605,000 less than the amount specified to be made available for that Program for that fiscal year pursuant to the matter under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' in title IV of H.R. 2219, 112th Congress, as reported by the Committee on Appropriations of the Senate on September 15, 2011.

SA 980. Mr. WEBB (for himself, Mr. BOOZMAN, Mr. HELLER, Mr. ROBERTS, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division A, and add the following:

SEC. 1____. None of the funds made available under this Act may be used to implement or enforce section 327.13(a) of title 36, Code of Federal Regulations (or successor regulation).

SA 981. Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, line 13, strike ''$237,623,000'' and insert ''$235,848,000''.

On page 67, line 9, strike ''$9,925,000'' and insert ''$11,700,000''.

SA 982. Mr. MENENDEZ (for himself, Mr. REID, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE ____—SMITHSONIAN AMERICAN LATINO MUSEUM

SEC. ____1. SHORT TITLE.

This title may be cited as the ''Smithsonian American Latino Museum Act''.

SEC. ____2. ESTABLISHMENT OF MUSEUM.

There is established within the Smithsonian Institution a museum to be known as the ''Smithsonian American Latino Museum''.

SEC. ____3. LOCATION AND AUTHORIZATION.

(a) ARTS AND INDUSTRIES BUILDING.—The Arts and Industries Building of the Smithsonian Institution, located on the National Mall at 900 Jefferson Drive, Southwest, Washington, District of Columbia, including a new underground annex facility, is designated as the location of the Smithsonian American Latino Museum.

(b) PLANNING AND CONSTRUCTION.—The Board of Regents of the Smithsonian Institution, in consultation with the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission, and with other appropriate Federal and local agencies, is authorized to prepare plans, design, renovate, rehabilitate, and construct the Smithsonian American Latino Museum facility, as referred to in the May 2011 Report to Congress of the Commission to Study the Potential Creation of a National Museum of the American Latino.

(c) SCHEDULE AND FUNDING.—

(1) IN GENERAL.—The Board of Regents is authorized to prepare a plan of action for the Smithsonian American Latino Museum, and to identify and evaluate viable funding models for both construction and operation of the Museum.

(2) TIMING.—The plan of action authorized in paragraph (1) shall be concluded not later than 18 months after the date of enactment of this Act.

SEC. ____4. AGREEMENT WITH SECRETARY OF THE INTERIOR.

The Secretary of the Interior and the Board of Regents of the Smithsonian Institution shall enter into an agreement that—

(1) allows for the planning, design, and construction of the underground annex facility by the Board of Regents, in a manner harmonious with and to protect the open space and visual sightlines of the Mall; and

(2) provides a timeline for the transfer of administrative jurisdiction, if necessary, of the appropriate subsurface area from the Secretary of the Interior to the Smithsonian Institution.

SEC. ____5. CONSIDERATION OF RECOMMENDATIONS OF COMMISSION.

In carrying out its duties under this title, the Board of Regents of the Smithsonian Institution shall take into consideration the reports and plans submitted by the Commission to Study the Potential Creation of a National Museum of the American Latino under section 333 of the Consolidated Natural Resources Act of 2008 (Public Law 110–229; 122 Stat. 784).

SA 983. Mrs. MCCASKILL (for herself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division A, add the following:

SEC. 1____. None of the funds made available under this Act shall be used by the Corps of Engineers to issue unsolicited ''willing seller'' letters to floodplain landowners during a flood event, as determined by the Chief of Engineers, regardless of whether the flood event is designated as a major disaster pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SA 984. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act may be used by the Federal Communications Commission to remove the conditions imposed on commercial terrestrial operations in the Order and Authorization adopted by the Commission on January 26, 2011 (DA 11–133), or otherwise permit such operations, until the Commission has resolved concerns of potential widespread harmful interference by such commercial terrestrial operations to commercially available Global Positioning System devices.

SA 985. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 120, line 19, strike '': *Provided further*,'' and all that follows through page 121, line 4, and insert a period.

SA 986. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading ''OPERATION AND MAINTENANCE'' under the heading ''CORP OF ENGINEERS—CIVIL'' under the heading ''CORP OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY'', strike ''such fees have been collected'' and all that follows through the matter under the heading ''REGULATORY PROGRAM'' and insert the following:

such fees have been collected; *Provided*, That no funds shall be made available to carry out a project for the dredging of small ports unless the project complies with a tonnage requirement of a minimum of 500,000 tons, which shall be calculated by each relevant port authority and submitted to the Corps of Engineers.

REGULATORY PROGRAM

None of the funds made available by this Act may be used to enforce laws pertaining to regulation of navigable waters and wetlands: *Provided*, That $64,333,333 shall be deposited in the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1954: *Provided further*, That $128,666,667 shall be deposited in the Treasury and used for Federal budget deficit reduction or, if there is no Federal budget deficit, for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

SA 987. Mr. RUBIO (for himself, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. No funds made available under this Act may be used for the implementation, enforcement, administration, or finalization of regulations based on or under the Notice of Proposed Rulemaking published in the Federal Register on January 7, 2011 (76 Fed. Reg. 1105; REG-146097-09), and corrected on January 18, 2011 (76 Fed. Reg. 2852), by the Internal Revenue Service of the Department of the Treasury.

SA 988. Mr. ENZI (for himself, Mr. DEMINT, Mr. PAUL, and Mr. JOHANNS) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, between lines 15 and 16, insert the following:

SEC. _____. None of the funds made available by this Act may be used—

(1) to implement or enforce section 430.32(x) of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act); or

(2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)) with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, and BPAR incandescent reflector lamps.

SA 989. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr.

REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 102 of title I (under the heading ''CORPS OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY'').

SA 990. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION ____—CORPS OF ENGINEERS REFORM

SECTION 1. SHORT TITLE.

This division may be cited as the ''Corps of Engineers Reform Act of 2011''.

TITLE I—HARBOR MAINTENANCE REFORM

SEC. 101. PURPOSE.

The purpose of this title is to establish a harbor maintenance block grant program to provide the maximum flexibility to each State to carry out harbor maintenance and deepening projects in the State.

SEC. 102. DEFINITIONS.

Except as otherwise specifically provided, in this title:

(1) HARBOR MAINTENANCE.—The term ''harbor maintenance'' means any project directly related to the operations and maintenance of a harbor, including additional development of a harbor.

(2) LEAD AGENCY.—The term ''lead agency'' means the agency designated under section 106(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(4) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 103. FUNDING.

The harbor maintenance block grant program established under section 104 shall be funded from the State Harbor Maintenance Block Grant Account established under section 9505 of the Internal Revenue Code of 1986.

SEC. 104. ESTABLISHMENT OF HARBOR MAINTENANCE BLOCK GRANT PROGRAM.

The Secretary shall establish a program to make grants to States in accordance with this title to carry out harbor maintenance and deepening projects located in participating States in accordance with the priorities determined by each participating State, including operations and maintenance, investigations, site infrastructure improvements, and new construction projects at harbors.

SEC. 105. REPORTS.

(a) IN GENERAL.—To be eligible to receive and expend amounts for a fiscal year under this title, a State shall prepare and submit to the Secretary a report describing the activities that the State intends to carry out using amounts received under this title, including information on the types of activities to be carried out.

(b) AVAILABILITY AND COMMENT.—A report under subsection (a) shall be made public within the State in such a manner as to facilitate comment by any person (including any Federal or other public agency) during the development of the report and after the completion of the report.

(c) REVISION.—

(1) IN GENERAL.—The report shall be revised throughout the year as may be necessary to reflect substantial changes in the activities assisted using amounts provided under this title.

(2) AVAILABILITY AND COMMENT.—Any revision in the report shall be subject to subsection (b).

(d) NO ADDITIONAL REPORTS.—The Secretary may not impose any reporting requirements on States to carry out this title that are in addition to the reports specifically required under this title.

SEC. 106. LEAD AGENCY.

(a) DESIGNATION.—The chief executive officer of a State that seeks to receive a grant under this title shall designate, in an application submitted to the Secretary under section 107, an appropriate State agency that complies with subsection (b) to act as the lead agency for the State.

(b) DUTIES.—

(1) IN GENERAL.—The lead agency shall—

(A) administer, directly or through other State agencies, the financial assistance received under this title by the State;

(B) develop the State plan to be submitted to the Secretary under section 107(a)(2);

(C) in conjunction with the development of the State plan, hold at least 1 hearing in the State to provide to the public an opportunity to comment on the State plan; and

(D) coordinate the implementation of harbor maintenance projects under this title with applicable Federal, State, and local agencies.

(2) DEVELOPMENT OF PLAN.—In the development of the State plan described in paragraph (1)(B), the lead agency shall consult with appropriate representatives of units of general purpose local government on issues relating to the State plan.

SEC. 107. APPLICATION AND PLAN.

(a) APPLICATION.—To be eligible to receive assistance under this title, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall by rule require, including—

(1) an assurance that the State will comply with the requirements of this title; and

(2) a State plan that meets the requirements of subsection (b).

(b) REQUIREMENTS OF A PLAN.—

(1) LEAD AGENCY.—The State plan shall identify the lead agency.

(2) USE OF BLOCK GRANT FUNDS.—The State plan shall provide that the State shall use the amounts provided to the State for each fiscal year under this title to carry out harbor maintenance and deepening projects.

(c) APPROVAL OF APPLICATION.—The Secretary shall approve an application that satisfies the requirements of this section.

SEC. 108. EFFECT ON ENVIRONMENTAL LAWS.

Nothing in this title affects, alters, or modifies any provisions of applicable Federal environmental laws (including regulations).

SEC. 109. ADMINISTRATION AND ENFORCEMENT.

(a) ADMINISTRATION.—The Secretary shall—

(1) coordinate all activities of the Department of Defense relating to harbor maintenance activities, and, to the maximum extent practicable, coordinate the activities with similar activities of other Federal entities; and

(2) provide technical assistance to assist States in carrying out this title, including assistance on a reimbursable basis.

(b) ENFORCEMENT.—

(1) REVIEW OF COMPLIANCE WITH STATE PLAN.—The Secretary shall—

(A) review and monitor State compliance with—

(i) this title; and

(ii) the plan approved under section 107(c) for the State; and

(B) have the power to terminate payments to the State in accordance with paragraph (2).

(2) NONCOMPLIANCE.—

(A) IN GENERAL.—

(i) APPLICATION.—This subparagraph applies if the Secretary, after reasonable notice to a State and opportunity for a hearing, finds that—

(I) there has been a failure by the State to comply substantially with any provision or requirement set forth in the plan approved under section 107(c) for the State in a manner that constitutes fraud or abuse; or

(II) in the operation of any program or activity for which assistance is provided under this title, there is a failure by the State to comply substantially with any provision of this title in a manner that constitutes fraud or abuse.

(ii) NOTICE.—If the Secretary makes the finding described in subclause (I) or (II) of clause (i), the Secretary shall notify the State of the finding and that no further payments will be made to the State under this title (or, in the case of noncompliance in the operation of a program or activity, that no further payments to the State will be made with respect to the program or activity) until the Secretary is satisfied that there is no longer any such failure to comply or that the noncompliance will be promptly corrected.

(B) ADDITIONAL SANCTIONS.—In the case of a finding of noncompliance made pursuant to subparagraph (A), the Secretary may, in addition to imposing the sanctions described in subparagraph (A), impose other appropriate sanctions, including recoupment of funds improperly expended for purposes prohibited or not authorized by this title, and disqualification from the receipt of financial assistance under this title.

(C) NOTICE.—The notice required under subparagraph (A) shall include specific identification of any additional sanction being imposed under subparagraph (B).

(3) PROCEDURES.—The Secretary shall establish by regulation procedures for—

(A) receiving, processing, and determining the validity of complaints concerning any failure of a State to comply with the State plan or any requirement of this title; and

(B) imposing sanctions under this section.

SEC. 110. PAYMENTS.

(a) IN GENERAL.—

(1) PAYMENTS.—A State that has an application approved by the Secretary under section 107(c) shall be entitled to a payment under this section for each fiscal year in an amount that is equal to the allotment of the State under section 113 for the fiscal year.

(2) STATE ENTITLEMENT.—Subject to the availability of funds under section 103, this title—

(A) constitutes budget authority in advance of appropriations Acts; and

(B) represents the obligation of the Federal Government to provide for the payment to States of the amount described in paragraph (1).

(b) METHOD OF PAYMENT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may make payments to a State in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(2) LIMITATION.—The Secretary may not make the payments in a manner that prevents the State from complying with section 107.

SEC. 111. AUDITS.

(a) REQUIREMENT.—After the close of each program period covered by an application approved under section 107(c), a State shall audit—

(1) the expenditures of the State during the program period from amounts received under this title; and

(2) the maintenance by the State of unexpended amounts received by the State under this title.

(b) INDEPENDENT AUDITOR.—An audit under this section shall be conducted—

(1) by an entity that is independent of any agency administering activities that receive assistance under this title; and

(2) in accordance with generally accepted auditing principles.

(c) SUBMISSION.—Not later than 30 days after the completion of an audit under this section, the State shall submit a copy of the audit to the legislature of the State and to the Secretary.

(d) REPAYMENT OF AMOUNTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), each State shall repay to the United States any amounts made available to the State under this title and determined through an audit under this section—

(A) to have been expended in a manner that constitutes fraud or abuse; or

(B) to remain unexpended as a result of fraud or abuse.

(2) OFFSET TO AMOUNTS.—As an alternative to requiring repayment of amounts under paragraph (1), the Secretary may offset the amounts required to be repaid against any other amounts to which the State is or may be entitled under this title.

SEC. 112. REPORT BY SECRETARY.

Not later than 60 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate committees of Congress a report that contains—

(1) a summary and analysis of the data and information provided to the Secretary in the State audits submitted under section 111; and

(2) an assessment, and if appropriate, recommendations for Congress concerning efforts that should be undertaken to improve harbor maintenance in the United States.

SEC. 113. ALLOTMENTS.

(a) IN GENERAL.—For each fiscal year, the Secretary shall allot to each participating State an amount that is equal to the proportion that—

(1) the amounts collected in the State for deposit in the State Harbor Maintenance Block Grant Account for that fiscal year in accordance with section 9505 of the Internal Revenue Code of 1986; bears to

(2) the total amount of funds in the State Harbor Maintenance Block Grant Account in that fiscal year.

(b) INSUFFICIENT FUNDS.—If the Secretary finds that the total amount of allotments to which States would otherwise be entitled for a fiscal year under subsection (a) will exceed the amount of funds available to provide the allotments for the fiscal year, the Secretary shall reduce the allotments made to States under this subsection, on a pro rata basis, to the extent necessary to allot under this subsection a total amount that is equal to the funds that will be made available.

SEC. 114. AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—Subsection (c) of section 9505 of the Internal Revenue Code of 1986 is amended by striking ''Amounts'' and inserting ''Except as provided in subsection (d), amounts''.

(b) STATE BLOCK GRANTS.—Section 9505 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) ESTABLISHMENT OF STATE BLOCK GRANT ACCOUNT.—

''(1) CREATION OF ACCOUNT.—There is established in the Harbor Maintenance Trust Fund a separate account to be known as the 'State Harbor Maintenance Block Grant Account' consisting of such amounts as may be transferred or credited to the State Harbor Maintenance Block Grant Account as provided in this section or section 9602(b).

''(2) TRANSFERS TO STATE HARBOR MAINTENANCE BLOCK GRANT ACCOUNT.—The Secretary shall transfer to the State Harbor Maintenance Block Grant Account the electing State amount of the amounts appropriated to the Harbor Maintenance Trust Fund under subsection (b).

''(3) EXPENDITURES FROM ACCOUNT.—Except as provided in paragraph (4), amounts in the State Harbor Maintenance Block Grant Account shall be available for making expenditures to fund the harbor maintenance block grant program authorized by the Corps of Engineers Reform Act of 2011. The Secretary shall, from time to time, transfer such amounts to such accounts as are identified by the Secretary of the Army, acting through the Chief of Engineers, for the purpose of making such expenditures.

''(4) LIMITATIONS.—

''(A) NON-ELECTING STATES.—Amounts in the State Harbor Maintenance Block Grant Account shall not be used for making any payment to a State, or for making expenditures within a State, unless such State is an electing State.

''(B) RESERVATION OF ADMINISTRATIVE COSTS.—

''(i) IN GENERAL.—The expenditures under subsection (c)(3) shall be borne by the State Harbor Maintenance Block Grant Account and the General Account in proportion to the respective amounts of the revenues transferred under this section to the State Harbor Maintenance Block Grant Account and the General Account (after the application of paragraph (2)).

''(ii) RESERVATION.—The amounts required to bear the State Harbor Maintenance Block Grant Account's share of the expenditures under clause (i) shall be reserved for such purpose and shall not be used to make any other expenditures.

''(iii) GENERAL ACCOUNT.—For purposes of this subparagraph, the term 'General Account' means the portion of the Harbor Maintenance Trust Fund which is not the State Harbor Maintenance Block Grant Account.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) ELECTING STATE AMOUNT.—The term 'electing State amount' means the portion of the amounts appropriated to the Harbor Maintenance Trust Fund under subsection (b) which is equivalent to the taxes received in the Treasury under section 4461 which are collected from ports in electing States.

''(B) ELECTING STATE.—The term 'electing State' means a State that has elected (by submission of the application required under section 107 of the Corps of Engineers Reform Act of 2011) to participate in the harbor maintenance block grant program authorized by the Corps of Engineers Reform Act of 2011.

''(6) COORDINATION WITH TRUST FUND EXPENDITURES.—Expenditures under paragraphs (1) and (2) of subsection (c) shall not be made to, or for projects located within, any State which is an electing State.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts appropriated or transferred to the Harbor Maintenance Trust Fund under section 9505 of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

TITLE II—WATER RESOURCES DEVELOPMENT

SEC. 201. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Water Resources Commission established by section 203.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

SEC. 202. CORPS TRANSPARENCY.

(a) ANNUAL PUBLICATION OF AUTHORIZED PROJECTS.—

(1) IN GENERAL.—The Secretary shall publish annually a list describing each authorized water resources project of the Corps of Engineers in the Federal Register and on a publically available website.

(2) CONTENTS.—For each authorized water resources project, the list described in paragraph (1) shall include—

(A) the date on which the water resources project was authorized; and

(B) the amount of Federal funds, if any, provided to the water resources project during the 5 years immediately preceding the date on which the list described in paragraph (1) is published.

(3) REPORT TO CONGRESS.—The Secretary shall submit the list described in paragraph (1) to—

(A) the Committees on Environment and Public Works and Appropriations of the Senate; and

(B) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

(b) PUBLICATION OF DEAUTHORIZED PROJECTS.—

(1) IN GENERAL.—Not later than 90 days after date of the enactment of this Act, the Secretary shall publish a list describing each water resources study or project of the Corps of Engineers that is no longer authorized.

(2) CONTENTS.—For each water resources study or project described in paragraph (1), the list described in paragraph (1) shall include—

(A) the date on which the water resources study or project was authorized; and

(B) the amount of Federal funds, if any, provided to the water resources study or project for the 5 years immediately following the date on which that study or project was authorized.

(3) REPORT TO CONGRESS.—The Secretary shall submit the list described in paragraph (1) to—

(A) the Committees on Environment and Public Works and Appropriations of the Senate; and

(B) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

SEC. 203. WATER RESOURCES COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission, to be known as the ''Water Resources Commission'', to prioritize water resources projects in the United States.

(2) MEMBERSHIP.—

(A) COMPOSITION.—

(i) IN GENERAL.—The Commission shall be composed of 11 members, of whom—

(I) 1 member shall be appointed by the President;

(II) 1 member shall be appointed by the Speaker of the House of Representatives;

(III) 1 member shall be appointed by the majority leader of the Senate; and

(IV) 8 members shall be appointed in accordance with clause (ii) by the Speaker of the House of Representatives and the majority leader of the Senate, in consultation with

the minority leader of the House of Representatives and the minority leader of the Senate.

(ii) RESTRICTIONS.—

(I) IN GENERAL.—Subject to subclause (II), each of the 8 members appointed under clause (i)(IV) shall represent 1 of the following Corps of Engineers geographical divisions:

(aa) Great Lakes & Ohio River Division.

(bb) Mississippi Valley Division.

(cc) North Atlantic Division.

(dd) Northwestern Division.

(ee) Pacific Ocean Division.

(ff) South Atlantic Division.

(gg) South Pacific Division.

(hh) Southwestern Division.

(II) GEOGRAPHICAL REPRESENTATION.—Not more than 2 of the members appointed under clause (i)(IV) shall represent the same Corps of Engineers geographical division described in subclause (I).

(B) QUALIFICATIONS.—

(i) IN GENERAL.—Subject to clause (ii), members shall be appointed to the Commission from among individuals who—

(I)(aa) are knowledgeable in the fields of navigation, water infrastructure, or natural resources; or

(bb) are recognized as having expertise in project management or cost-benefit analysis; and

(II) while serving on the Commission, do not hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(ii) REQUIREMENT.—At least 1 of the members under subparagraph (A) shall have knowledge of safety issues relating to water resources projects carried out by the Corps of Engineers.

(C) DATE OF APPOINTMENTS.—The members of the Commission shall be appointed under subparagraph (A) not later than 90 days after the date of enactment of this Act.

(3) TERM; VACANCIES.—

(A) TERM.—A member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled not later than 30 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(5) MEETINGS.—The Commission shall meet at the call of—

(A) the Chairperson; or

(B) the majority of the members of the Commission.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(b) DUTIES OF COMMISSION.—

(1) PRIORITIZATION OF WATER RESOURCES PROJECTS.—

(A) IN GENERAL.—In accordance with this section, the Commission shall make recommendations for the means by which to prioritize water resources projects of the Corps of Engineers and prioritize water resources projects of the Corps of Engineers that are not being carried out under a continuing authorities program.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to Congress a report containing the recommendations and prioritization method required under this paragraph.

(C) RECOMMENDATIONS.—The report shall include recommendations for—

(i) a process of regularized prioritization assessments that ensures continuity in project prioritization rankings and the inclusion of newly authorized projects;

(ii) a process to prioritize water resources projects across project type; and

(iii) a method of analysis, with respect to the prioritization process, of recreation and other ancillary benefits resulting from the construction of Corps of Engineers projects.

(D) PROJECT INCLUSIONS.—The report shall include, at a minimum, each water resources project authorized for study or construction on or before the date of enactment of this Act.

(E) PRIORITIZATION REQUIREMENTS.—

(i) IN GENERAL.—Each project described in the report shall be categorized by project type and be classified into a tier system of descending priority, to be established by the Commission, in a manner that reflects the extent to which the project achieves project prioritization criteria established under subparagraph (F).

(ii) MULTIPURPOSE PROJECTS.—Each multipurpose project described in the report shall be classified—

(I) by the project type that best represents the primary project purpose, as determined by the Commission; and

(II) into the tier system described in clause (i) within that project type.

(iii) TIER SYSTEM REQUIREMENTS.—In establishing a tier system under clause (i), the Commission shall ensure that each tier—

(I) is limited to total authorized project costs of $5,000,000,000; and

(II) includes not more than 100 projects.

(iv) BALANCE.—The Commission shall seek, to the maximum extent practicable, a balance between the water resource needs of all States, regardless of the size or population of a State.

(F) PROJECT PRIORITIZATION CRITERIA.—In preparing the report, the Commission shall prioritize each water resources project of the Corps of Engineers based on the extent to which the project meets at least the following criteria and such additional criteria as the Commission may fully explain in the report:

(i) For flood damage reduction projects, the extent to which such a project—

(I) addresses critical flood damage reduction needs of the United States, including by reducing the risk of loss of life;

(II) avoids increasing risks to human life or damages to property in the case of large flood events; and

(III) avoids adverse environmental impacts or produces environmental benefits.

(ii) For navigation projects, the extent to which such a project—

(I) addresses priority navigation needs of the United States, including by having a high probability of producing the economic benefits projected with respect to the project and reflecting regional planning needs, as applicable; and

(II) avoids adverse environmental impacts.

(iii) For environmental restoration projects, the extent to which such a project addresses priority environmental restoration needs of the United States, including by restoring the natural hydrologic processes and spatial extent of an aquatic habitat, while being, to the maximum extent practicable, self-sustaining.

(2) AVAILABILITY.—The report prepared under this subsection shall be—

(A) published in the Federal Register; and

(B) submitted to—

(i) the Committees on Environment and Public Works and Appropriations of the Senate; and

(ii) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

(c) POWERS OF COMMISSION.—

(1) HEARINGS.—The Commission shall hold such hearings, meet and act at such times and places, take such testimony, administer such oaths, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the Federal agency shall provide the information to the Commission.

(3) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission shall serve without pay, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws, including regulations, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(C) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission 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 classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—In no event shall any employee of the Commission (other than the executive director) receive as compensation an amount in excess of the maximum rate of pay for Executive Level IV under section 5315 of title 5, United States Code.

(3) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of a Federal employee shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Secretary, acting through the Chief of Engineers, shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Commission and staff of the Commission as are necessary for the Commission to carry out the duties of the Commission under this section.

(e) TERMINATION.—The Commission shall terminate on the date that is 90 days after

the date on which the final report of the Commission is submitted under subsection (b).

SEC. 204. FUNDING.

(a) FUNDING.—

(1) IN GENERAL.—In carrying out this title, the Commission shall use funds made available for the general operating expenses of the Corps of Engineers.

(2) PRIORITY WATER RESOURCES PROJECTS.—In carrying out the water resources projects prioritized by the Commission under section 203(b), the Secretary shall use funds made available to the Corps of Engineers.

(b) USE OF COMMISSION REPORT BY SECRETARY.—

(1) IN GENERAL.—The Secretary shall use the priority recommendations described in the report under section 203(b) as a means of allocating amounts appropriated under subsection (a)(2).

(2) EXCEPTION.—The Secretary may deviate from the priority recommendations in the report under section 203(b) by advancing the priority of a project only if the Secretary determines that—

(A) the project is vital to the national interest of the United States; and

(B) failure to complete the project would cause significant harm and expense to the United States.

(c) REPORTS.—

(1) IN GENERAL.—For each fiscal year, the Secretary shall submit to the committees described in paragraph (2), and make available to the public on the Internet, a report that lists, for the year covered by the report—

(A) the water resources projects that receive funding and are carried out in accordance with section 203(b); and

(B) the water resources projects that receive funding and are carried out on a project-by-project basis through line items contained in appropriations Acts.

(2) COMMITTEES.—The committees referred to in paragraph (1) are—

(A) the Committees on Environment and Public Works and Appropriations of the Senate; and

(B) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

SA 991. Mr. COONS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, line 13, insert ": *Provided further*, That of available funds, $10,000,000 shall be made available for the weatherization innovation initiative" before the period at the end.

SA 992. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 2 and 3, insert the following:

SEC. 312. (a) The Secretary of Energy shall conduct a study that—

(1) investigates the feasibility, viability, environmental effects, safety, and economics of using natural gas as a locomotive fuel in comparison to traditional methods of railway locomotion; and

(2) considers the practicability of natural gas fueling systems for locomotives and the necessary natural gas distribution network.

(b) Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report containing the results of the study conducted under subsection (a) to—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Commerce, Science, and Transportation of the Senate;

(3) the Committee on Transportation and Infrastructure of the House of Representatives; and

(4) the Committee on Energy and Commerce of the House of Representatives.

SA 993. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 14, after "States:", insert the following: "*Provided further*, That, within available funds for advanced turbine and combustion system technology, the Secretary shall conduct research that includes the investigation of novel approaches such as extracting energy from high temperature gases, ultra-high temperature materials development, and advanced turbine based power cycles that have the potential to substantially increase the efficiency and lower the cost of carbon capture in advanced clean coal powered generation systems:".

SA 994. Mr. CARDIN (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, after line 22, insert the following:

SEC. 1001. INCLUSION OF HUMAN RIGHTS VIOLATORS IN CONSULAR DATABASE.

The Secretary of State, in consultation with the Secretary of Homeland Security, shall implement the Presidential Proclamation published on August 4, 2011, by ensuring that each individual identified in a Country Report on Human Rights Practices as a human rights violator and any other individual for whom the Secretary has credible information about gross human rights violations—

(1) is included in the Consular Lookout and Support System; and

(2) is not permitted to enter the United States unless a senior consulate official or a senior immigration officer determines, after a careful review of the circumstances under which the individual received such designation, that the individual is not inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

SA 995. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title III, in the matter under the heading "ENERGY EFFICIENCY AND RENEWABLE ENERGY", before the period at the end, insert ": *Provided further*, That, within available funds for Industrial Technologies, the Secretary of Energy shall use not less than $20,000,000 for the Energy Innovation Hub for Critical Materials, including research focused on rare earths, rare earth substitutes, and related materials, on refining, recycling, minimizing, and alloying rare earths and related materials, and on use of rare earths and related materials in electronics, energy, and information and related technologies and systems".

SA 996. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Section 4 of the Act entitled "An Act Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 4, 1915 (33 U.S.C. 560), is amended in the matter before the proviso—

(1) by inserting "for work, which includes planning and design," after "to be expended"; and

(2) by striking "work of" and inserting "study or project for".

(b) Section 11 of the Act entitled "An Act Authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1925 (33 U.S.C. 561), is amended in the first sentence—

(1) by striking "a work of" and inserting "work, which includes planning and design, for an authorized study or project for a"; and

(2) by striking "duly adopted and authorized by law".

(c) Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), is amended—

(1) by inserting "for work, which includes planning and design," before "to be expended"; and

(2) by striking "restoration work" and inserting "restoration study or project".

(d) Section 1 of the Act of October 15, 1940 (33 U.S.C. 701h–1), is amended in the first sentence by striking "a flood-control project duly adopted and authorized by law" and inserting "an authorized flood-control study or project,".

SA 997. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, lines 7 and 8, strike "$1,795,641,000, to remain available until expended: *Provided*," and insert "$1,801,641,000, to remain available until expended: *Provided*, That, of the amount appropriated, not less than $5,000,000 shall be used to promote renewable energy deployment in accordance with section 803 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282):

Provided further, That each amount provided by this Act (other than the amount provided by the preceding proviso) is reduced by the pro rata percentage required to reduce the total amount provided by this Act by $5,000,000: *Provided further*,''.

SA 998. Mrs. SHAHEEN (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5____. (a) In this section, the term ''limousine'' means a passenger vehicle that meets the criteria contained in Federal Management Regulation B-29 of the General Services Administration published on July 11, 2011.

(b)(1) For the Federal fleet report for fiscal year 2011, each Federal agency shall submit, through the Federal automotive statistical tool of the General Services Administration, information on all limousines of the Federal agency.

(2) Not later than 60 days after the date of enactment of this Act, each Federal agency reporting 5 or more limousines in the inventory of the Federal agency for fiscal year 2011 under paragraph (1) shall submit to Congress a report that describes—

(A) to the maximum extent practicable, the number of limousines in the vehicle inventory of the Federal agency for each of fiscal years 2008, 2009, and 2010;

(B) the cost of purchasing, leasing, and operating limousines in the vehicle inventory of the Federal agency for fiscal year 2011; and

(C) a plan to reduce the total cost described in subparagraph (B) by at least 20 percent.

SA 999. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, between lines 19 and 20, insert the following:

SEC. 118. Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury shall make available to the Committees on Appropriations of the Senate and the House of Representatives and the public all records of payments of attorneys fees and expenses made under section 1304 of title 31, United States Code, that have been made since January 1, 2003 and shall continue to make the records of any such payments made hereafter available to the Committees on Appropriations of the Senate and the House of Representatives and the public: *Provided*, That, such records shall be made available on a publically accessible and searchable Internet website database and each record made available for each payment shall contain information that clearly identifies the entity receiving the payment, the amount of the total payment to each entity, and a breakdown of the payment showing the attorneys fees and expenses and relevant statute, matter, and agency: *Provided further*, That such records and information shall not be made available if the disclosure of such information is otherwise prohibited by law or is not in the best interest of national security and the Secretary of the Treasury certifies in writing to the Committees on Appropriations of the Senate and the House of Representatives the rationale for withholding any individual payment information: *Provided further*, That the preceding proviso, or any other provision of law regarding disclosure prohibitions, shall not apply to any records of payments made as a result of any executive branch, Federal department, agency, or instrumentality statutory or regulatory approval or permit related case, court order, consent decree, or Federal department, agency, or instrumentality settlement.

SA 1000. Mr. WICKER (for himself, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division B, add the following:

SEC. 7____. None of the funds made available by this Act for fiscal year 2012 may be obligated or expended to implement or use green building rating standards unless the standards—

(1)(A) are developed in accordance with rules accredited by the American National Standards Institute; and

(B) are approved as American National Standards; or

(2) incorporate and document the use of lifecycle assessment in the evaluation of building materials.

SA 1001. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BUREAUCRATIC EARMARKS.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' has the meaning given that term under section 551(1) of title 5, United States Code; and

(2) the term ''covered domestic assistance''—

(A) means—

(i) any assistance under a domestic assistance program (as those terms are defined in section 6101 of title 31, United States Code); and

(ii) any Federal credit assistance, including loan guarantees, lines of credit, and direct loans; and

(B) does not include—

(i) any grants or other assistance provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(ii) any assistance described in subparagraph (A) that—

(I) is provided in accordance with a statutory formula;

(II) is provided through direct spending (as defined in section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900));

(III) is—

(aa) primarily awarded to a State; and

(bb) awarded to each State; or

(IV) is solely technical assistance provided by an agency to a State or a political subdivision of a State, including authorities designated to carry out public works on behalf of a State or political subdivision of a State.

(b) REPORTING BEFORE AWARD.—

(1) SUBMISSION.—

(A) IN GENERAL.—Subject to paragraph (5), not later than 45 days before the date on which an agency awards covered domestic assistance, the head of the agency shall submit to Congress and the Comptroller General of the United States a report regarding the proposed award.

(B) LIMITATION ON AUTHORITY.—Subject to paragraph (5), the head of an agency may not award covered domestic assistance to a proposed awardee—

(i) until the date that is 45 days after the date on which the head of the agency submits the report under subparagraph (A) relating to the proposed award; or

(ii) if a joint resolution described in subsection (d) is enacted relating to the proposed award.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the name, address, principal point of contact, and contact information of the proposed awardee;

(B) the city, State, congressional district, and county in which performance of the activities under the covered domestic assistance will primarily take place;

(C) the amount being awarded to the awardee;

(D) whether the award is a multi-year award and, if the award is a multi-year award, and without regard to whether the funds for any fiscal year after the first fiscal year after the award are not finalized or are subject to the availability of funds—

(i) the amount of funding for each fiscal year after the first fiscal year of the award; and

(ii) the aggregate funding level for all fiscal years;

(E) the type of covered domestic assistance to be awarded to the awardee;

(F) all relevant information about the agency awarding the covered domestic assistance, including the specific program within the agency and all relevant contact persons at the agency who made the decision to award the covered domestic assistance;

(G) the number assigned to the covered domestic assistance program under the Catalog of Federal Domestic Assistance Programs required to be published by the Administrator of General Services under section 6104 of title 31, United States Code;

(H) a detailed description or abstract of how the awardee will use the covered domestic assistance;

(I) an abbreviated description of how the awardee will use the covered domestic assistance;

(J) except as provided in paragraph (3), a complete copy of the application for the covered domestic assistance submitted by the applicant;

(K) the text of the statute authorizing the covered domestic assistance program; and

(L) a statement—

(i) describing why the award of the covered domestic assistance is a justifiable use of Federal funds in accordance with the authorizing statute; and

(ii) indicating why the award of the covered domestic assistance is justified under the authorizing statute.

(3) PROPRIETARY INFORMATION.—

(A) IN GENERAL.—In consultation with the Director of the Office of Management and

Budget, the head of each agency shall establish a means for an applicant for covered domestic assistance to designate as proprietary sensitive technology or research information submitted in an application.

(B) INFORMATION NOT SUBJECT TO DESIGNATION.—An applicant may not designate as proprietary information any information described in subparagraph (H) or (I) of paragraph (2).

(C) DESIGNATION.—

(i) IN GENERAL.—If an applicant for covered domestic assistance designates information as proprietary under subparagraph, the information shall not be submitted to Congress or the Comptroller General under paragraph (2).

(ii) AGENCY MAY NOT DESIGNATE.—An agency may not designate information as proprietary under this paragraph.

(4) CLASSIFIED PROGRAMS.—If covered domestic assistance is inherently classified in nature, the report submitted under paragraph (2) may be submitted in classified form or transmitted to Congress and the Comptroller General using other means determined appropriate by the Comptroller General.

(5) EXEMPTIONS.—

(A) MULTI-YEAR AWARDS.—The head of an agency is not required to submit a report under paragraph (2) and may award covered domestic assistance without regard to paragraph (1) if the award is—

(i) a continuation of funding under an award for which the head of the agency disclosed information in a previous fiscal year under subparagraphs (C) and (D) of paragraph (2); and

(ii) in an amount that is not more than the amount the head of the agency indicated was to be awarded for the fiscal year under paragraph (2)(D).

(B) SMALLER AWARDS.—

(i) IN GENERAL.—Subject to clause (ii), the head of an agency is not required to submit a report under paragraph (2) and may award covered domestic assistance without regard to paragraph (1) if—

(I) for a 1-year award, the award is in an amount that would have been in the lowest 10 percent of the amounts of awards of covered domestic assistance for the previous fiscal year; and

(II) for a multi-year award, the total amount of the award over all fiscal years is in an amount that would have be in the lowest 10 percent of the amounts of awards of covered domestic assistance for the previous fiscal year.

(ii) RESTRICTION.—During any fiscal year, the head of an agency may not make under clause (i) more than the number of covered domestic assistance awards equal to 10 percent of the number of awards of covered domestic assistance made by the head of the agency during the previous fiscal year.

(6) REPORT.—The Inspector General with jurisdiction of an agency that awards covered domestic assistance under paragraph (5) shall submit to Congress an annual report evaluating a representative sample of such awards. The report shall indicate whether the agency operated within the authority under paragraph (5) and evaluate whether the agency acted in accordance with the intent of Congress.

(c) DATABASE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall establish and maintain an online database of the information submitted under subsection (b), which—

(A) shall be accessible by Members of Congress and appropriate congressional employees;

(B) shall be easily navigable, searchable, and sortable; and

(C) shall be accessible by the public.

(2) RECEIPT AND POSTING OF INFORMATION.—The Comptroller General shall—

(A) develop a means for agencies to submit all information required under subsection (b) electronically; and

(B) not later than 2 business days after receiving information from an agency under subsection (b), include the information in the database established under paragraph (1).

(3) USE OF EXISTING INFRASTRUCTURE.—

(A) IN GENERAL.—To the greatest extent practicable, the Comptroller General shall—

(i) develop a means of submitting information that is comparable and may be integrated into information technology infrastructure and grant management systems of agencies that are in use on the date of enactment of this Act; and

(ii) use and build from reporting technology and databases of agencies in use on the date of enactment of this Act, including Recovery.gov and USAspending.gov.

(B) INFORMATION FROM AGENCIES.—Upon request, the head of each agency shall make available to the Comptroller General the software required for any infrastructure, system, technology, or database described in subparagraph (A) for purposes of developing an integrated system.

(d) PROCEDURES IN THE HOUSE OF REPRESENTATIVES AND SENATE.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''first House'' means the House that transmitted to the other House a joint resolution of that House;

(B) the term ''joint resolution'' means only a joint resolution—

(i) introduced during the period beginning on the date on which a report regarding a proposed award of covered domestic assistance is received by Congress under subsection (b) and ending 45 days thereafter;

(ii) the matter after the resolving clause of which is as follows: ''That the proposed award of covered domestic assistance (as defined in the Bureaucratic Earmark Disclosure Act of 2011) to _____, valued at $_____, shall not be awarded, such amount is rescinded from the unobligated balances in the appropriations account for the program under which the covered domestic assistance was proposed to be awarded, and an award for the same purpose as the proposed award of covered domestic assistance may not be made to the same recipient.'', the first blank space being filled in with the name of the individual or entity to which the covered domestic assistance described in clause (i) is proposed to be awarded and the second blank space being filled in with the amount proposed to be awarded; and

(iii) that relates to 1 proposed award of covered domestic assistance; and

(C) the term ''second House'' means the House receiving a joint resolution from the other House.

(2) INTRODUCTION, REFERRAL, AND CONSIDERATION.—

(A) IN GENERAL.—

(i) INTRODUCTION.—During the 45-day period beginning on the date on which a report regarding a proposed award of covered domestic assistance is received by Congress under subsection (b) it shall be in order for a Member of the House of Representatives or the Senate to introduce a joint resolution.

(ii) PERIOD FOR PROCEDURES.—The procedures under this subsection shall only apply to a joint resolution during the 45-day period beginning on the date on which the report regarding the proposed award of covered domestic assistance to which the joint resolution relates is received by Congress under subsection (b).

(B) REFERRAL.—

(i) IN GENERAL.—A joint resolution introduced under subparagraph (A) shall be referred to the appropriate committee of the Senate and the House of Representatives.

(ii) JURISDICTION OF MULTIPLE COMMITTEES.—If a joint resolution is within the jurisdiction of more than 1 committee of the House of Representatives, the joint resolution shall be referred to the Committee on Oversight and Government Reform of the House of Representatives.

(C) COMMITTEES.—In a committee of the Senate or the House of Representatives, an amendment to a joint resolution shall not be in order.

(3) DISCHARGE.—In the House of Representatives and the Senate, if the committee to which a joint resolution (including a joint resolution referred to a committee under paragraph (6)(C)) is referred has not reported the joint resolution at the end of 5 calendar days (excluding any period when either House is not in session for more than 3 days) after the date on which the joint resolution was referred to the committee, upon a petition supported in writing signed by 50 Members of the House of Representatives or 30 Senators, respectively, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the calendar.

(4) CONSIDERATION IN THE SENATE.—

(A) IN GENERAL.—In the Senate, when the committee to which a joint resolution is referred has reported, when a committee is discharged (under paragraph (3)) from further consideration of a joint resolution, or when a joint resolution of the House of Representatives has been placed on the calendar under paragraph (6)(B), it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Senator to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived.

(B) MOTION.—A motion described in subparagraph (A) is privileged and is not subject to amendment, a motion to postpone, a motion to table, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

(C) DEBATE.—In the Senate—

(i) debate on a joint resolution and on all debatable motions and appeals in connection with the joint resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution;

(ii) an amendment to, a motion to postpone, or a motion to recommit the joint resolution is not in order;

(iii) a motion to proceed to the consideration of other business is not in order;

(iv) a motion further to limit debate is in order and is not debatable; and

(v) a motion to reconsider shall not be in order.

(D) VOTE ON FINAL PASSAGE.—In the Senate, immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(E) RULINGS OF THE CHAIR ON PROCEDURE.—Decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution shall be decided without debate.

(5) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) IN GENERAL.—In the House of Representatives, when the committee to which a joint resolution is referred has reported, when a committee is discharged (under paragraph (3)) from further consideration of a joint resolution, or when a joint resolution of the Senate has been placed on the calendar under paragraph (6)(B), it shall be in order at a time designated by the Speaker of the House of Representatives or a designee during the legislative schedule on either of the 2 legislative days next following that on which the joint resolution is reported or discharged for any Member to move to proceed to the consideration of the joint resolution. If the Speaker does not designate a time for considering the motion before the conclusion of legislative business on the second legislative day following that on which the joint resolution is reported or discharged, it shall be in order on any subsequent legislative day for any Member to move to proceed to the consideration of the joint resolution. All points of order against the joint resolution (and against consideration of the joint resolution) are waived.

(B) MOTION.—A motion described in subparagraph (A) is highly privileged and is not subject to amendment, a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the House of Representatives until disposed of.

(C) DEBATE.—In the House of Representatives—

(i) the previous question shall be considered as ordered on a joint resolution to its passage without intervening motion, except that—

(I) 2 hours of debate equally divided and controlled by a proponent and an opponent are allowed; and

(II) it shall be in order to make 1 motion to further limit debate on the joint resolution, which is not debatable;

(ii) an amendment to, a motion to postpone, or a motion to recommit the resolution shall not be in order;

(iii) a motion to proceed to the consideration of other business shall not be in order; and

(iv) a motion to reconsider shall not be in order.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a joint resolution shall be decided without debate.

(6) RECEIPT OF JOINT RESOLUTION BY OTHER HOUSE.—

(A) IN GENERAL.—If the second House receives from the first House a joint resolution, the Chair shall determine whether the joint resolution is identical to a joint resolution of the second House.

(B) IDENTICAL JOINT RESOLUTIONS.—If the second House receives an identical joint resolution, the joint resolution of the first House shall not be referred to a committee.

(C) NO CORRESPONDING JOINT RESOLUTION.—If a House receives a joint resolution that is not identical to a joint resolution of that House, the joint resolution shall be referred to the appropriate committee of that House.

(7) RULEMAKING.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(e) SHORT TITLE.—This section may be cited as the ''Bureaucratic Earmark Disclosure Act of 2011''.

SA 1002. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division A, add the following:

SEC. 3____. In the event that the recipient of a loan guarantee issued by the Department of Energy using funds made available under this Act defaults and is subsequently in repayment on the loan guarantee, the Federal Government shall be the first party to be repaid.

SA 1003. Mr. ROBERTS (for himself, Mr. JOHANNS, AND MR. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 15 and 16, insert the following:

SEC. 2____. (a) USE OF AUTHORIZED PESTICIDES.—Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

''(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under that Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of the pesticide.''.

(b) DISCHARGES OF PESTICIDES.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) DISCHARGES OF PESTICIDES.—

''(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), or the residue of such a pesticide, resulting from the application of the pesticide.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

''(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—

''(i) the discharge would not have occurred but for the violation; or

''(ii) the quantity of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

''(B) Stormwater discharges subject to regulation under subsection (p).

''(C) The following discharges subject to regulation under this section:

''(i) Manufacturing or industrial effluent.

''(ii) Treatment works effluent.

''(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.''.

SA 1004. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 41, line 17, strike ''*Provided,*'' and all that follows through page 42, line 12, and insert the following:

Provided, That during fiscal year 2012 and hereafter, the quantity of petroleum products sold from the Reserve under the authority of this Act may only be replaced using the authority provided in paragraph (a)(1) or (3) of section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240(a)(1) or (3)): *Provided further*, That unobligated balances in this account shall be available to cover the costs of any sale under this Act.

NORTHEAST HOME HEATING OIL RESERVE

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $10,119,000, to remain available until expended: *Provided*, That amounts net of the purchase of 1 million barrels of petroleum distillates in fiscal year 2011; costs related to transportation, delivery, and storage; and sales of petroleum distillate from the Reserve under section 182 of the Energy Policy and Conservation Act (42 U.S.C. 6250a) are hereby permanently rescinded: *Provided further*, That notwithstanding section 181 of the Energy Policy and Conservation Act (42 U.S.C. 6250), for fiscal year 2012 and hereafter, the Reserve shall contain no more than 1 million barrels of petroleum distillate.

SA 1005. Ms. SNOWE (for herself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, line 20, insert '': *Provided further*, That the Secretary shall use $10,000,000 to prioritize, in cooperation and full consultation with potential host communities, the consolidation of nuclear waste from permanently shut down facilities'' before the period at the end.

SA 1006. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the

fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 23, before the period, insert the following: ": *Provided further*, That none of the funds made available under this heading may be used to make a loan guarantee to an applicant if the value of the loan guarantee is $250,000,000 or more unless the Secretary of Energy requires a financial review of the project by an independent third party that includes a review of creditworthiness, construction factors, legal and regulatory issues, and other appropriate financial policy criteria, the third party reviewer submits to Congress, the Secretary, and the Director of the Office of Management and Budget a report on the results of the review, and a period of at least 60 days elapses after the date of the submission of the report before the loan guarantee is made".

SA 1007. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, line 13, insert before the period at the end the following: ": *Provided further*, That of the funds made available for the Office of Energy Efficiency and Renewable Energy, $20,000,000 may be used to establish an energy efficiency financing program to provide financing, including through direct loans, revolving loan funds, or other financial support for commercial and residential building energy efficiency projects, administered in coordination with any program offices considered appropriate by the Secretary".

SA 1008. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REDUCTION OF INTEREST RATES ON SMALL BUSINESS DISASTER LOANS.

(a) AMENDMENT.—Section 7(d) of the Small Business Act (15 U.S.C. 636(d)) is amended—

(1) in paragraph (4), by striking "Notwithstanding" and inserting "Except as provided in paragraph (8) and notwithstanding";

(2) in paragraph (5), by striking "Notwithstanding" and inserting "Except as provided in paragraph (8) and notwithstanding"; and

(3) by adding at the end the following:

"(8) PROPERTY DAMAGE TO BUSINESSES.—The interest rate on the Federal share of any loan under subsection (b)(1) made to a business concern on or after August 26, 2011, shall be—

"(A) 1 percent per year, in the case of a business concern unable to obtain credit elsewhere; and

"(B) 3 percent per year, in the case of a business concern able to obtain credit elsewhere.".

(b) PROSPECTIVE REPEAL.—Effective September 30, 2014, section 7(d) of the Small Business Act (15 U.S.C. 636(d)), as amended by subsection (a) is amended—

(1) in paragraph (4), by striking "Except as provided in paragraph (8) and notwithstanding" and inserting "Notwithstanding";

(2) in paragraph (5), by striking "Except as provided in paragraph (8) and notwithstanding" and inserting "Notwithstanding"; and

(3) by striking paragraph (8).

SA 1009. Mrs. HAGAN (for herself and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. HUBZONE REDESIGNATED AREAS.

Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

"(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or".

SA 1010. Mr. MENENDEZ (for himself, Mr. REID, and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE ____—SMITHSONIAN AMERICAN LATINO MUSEUM

SEC. ___1. SHORT TITLE.

This title may be cited as the "Smithsonian American Latino Museum Act".

SEC. ___2. ESTABLISHMENT OF MUSEUM.

There is established within the Smithsonian Institution a museum to be known as the "Smithsonian American Latino Museum".

SEC. ___3. LOCATION AND AUTHORIZATION.

(a) ARTS AND INDUSTRIES BUILDING.—The Arts and Industries Building of the Smithsonian Institution, located on the National Mall at 900 Jefferson Drive, Southwest, Washington, District of Columbia, including a new underground annex facility, is designated as the location of the Smithsonian American Latino Museum.

(b) PLANNING AND CONSTRUCTION.—The Board of Regents of the Smithsonian Institution, in consultation with the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission, and with other appropriate Federal and local agencies, is authorized to prepare plans, design, renovate, rehabilitate, and construct the Smithsonian American Latino Museum facility, as referred to in the May 2011 Report to Congress of the Commission to Study the Potential Creation of a National Museum of the American Latino.

(c) SCHEDULE AND FUNDING; STUDY.—

(1) SCHEDULE AND FUNDING.—

(A) IN GENERAL.—The Board of Regents is authorized to prepare a plan of action for the Smithsonian American Latino Museum, and to identify and evaluate viable funding models for both construction and operation of the Museum.

(B) TIMING.—The plan of action authorized in subparagraph (A) shall be concluded not later than 18 months after the date of enactment of this Act.

(2) WATER AND RELATED RESOURCES STUDY.—The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, shall conduct a study on—

(A) the connection between Latino life, heritage, advancement, and survival and the water supplies of the United States, through irrigation, farming, and development; and

(B) the historical role the Latino community has played in managing, developing, and protecting water and related resources in the West.

SEC. ___4. AGREEMENT WITH SECRETARY OF THE INTERIOR.

The Secretary of the Interior and the Board of Regents of the Smithsonian Institution shall enter into an agreement that—

(1) allows for the planning, design, and construction of the underground annex facility by the Board of Regents, in a manner harmonious with and to protect the open space and visual sightlines of the Mall; and

(2) provides a timeline for the transfer of administrative jurisdiction, if necessary, of the appropriate subsurface area from the Secretary of the Interior to the Smithsonian Institution.

SEC. ___5. CONSIDERATION OF RECOMMENDATIONS OF COMMISSION.

In carrying out its duties under this title, the Board of Regents of the Smithsonian Institution shall take into consideration the reports and plans submitted by the Commission to Study the Potential Creation of a National Museum of the American Latino under section 333 of the Consolidated Natural Resources Act of 2008 (Public Law 110–229; 122 Stat. 784).

SA 1011. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, line 22, insert the following before the period at the end: ": *Provided further*, That none of the funds appropriated by this Act shall be used to conduct any sales of petroleum products from the Strategic Petroleum Reserve until the Secretary of State issues all permits necessary for the construction and operation of a strategic pipeline to deliver petroleum products from Canada oil sands to the Gulf of Mexico".

SA 1012. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division A, add the following:

SEC. 1____. (a) None of the funds made available to the Secretary of the Army to carry out activities of the Corps of Engineers shall be used in a manner that is inconsistent with this section.

(b)(1) The Secretary of the Army shall establish a pilot program to evaluate the cost-effectiveness and project delivery efficiency of non-Federal sponsors as the lead project delivery team for authorized civil works flood control construction projects of the Corps of Engineers.

(2) In carrying out the pilot program, the Secretary of the Army shall identify not less than 12 congressionally authorized flood control construction projects of the Corps of Engineers that—

(A) have received Federal funds and have experienced delays or missed scheduled deadlines in the 5 fiscal years prior to the date of enactment of this Act;

(B) have an unobligated funding balance in the Corps of Engineers Construction Account; and

(C) include levees, floodwalls, flood control channels, and water control structures.

(3) The purposes of the pilot program are—

(A) to identify project delivery and cost-saving alternatives that reduce the backlog of Corps of Engineers construction projects;

(B) to evaluate the technical, financial, and organizational efficiencies of a non-Federal sponsor operating as the lead project manager for the design, execution, management, and construction of a project; and

(C) to evaluate alternatives for the decentralization of the project planning, management, and operational decisionmaking process of the Corps of Engineers.

(4) A flood control project under this section shall only receive Federal funding if the project is federally owned.

(5)(A) In carrying out this section, the Secretary of the Army shall—

(i) enter into a project partnership agreement with the non-Federal sponsor for the non-Federal sponsor to provide full project management control for the design and construction of the flood control project, including preconstruction engineering and design, project implementation, and construction activities, to be carried out under the pilot program; and

(ii) in consultation with the district engineer and the non-Federal sponsor, develop a detailed project management plan for each project under the pilot program that outlines the scope, budget, design, and construction resource requirements necessary for execution of the project by the non-Federal sponsor.

(B) As a condition of receiving amounts under this section, the non-Federal sponsor, in consultation with the district engineer and local project stakeholders, shall establish to oversee the execution of the project management plan a project delivery team, which shall, at a minimum, consist of—

(i) a project manager; and

(ii) a Corps of Engineers official, who shall provide technical assistance and guidance on compliance with Corps of Engineers engineering manuals and regulations.

(6) On the request of the non-Federal sponsor and in consultation with other appropriate Federal agencies, the Secretary of the Army shall provide the non-Federal sponsor with any necessary technical assistance, including assistance relating to Federal acquisition regulations, contracting requirements, and environmental regulations.

(7) Nothing in this section alters any cost-sharing requirement established before the date of enactment of this Act for a project carried out under this section.

(8) Not later than [to be supplied], the Secretary of the Army shall submit to the appropriate committees of Congress a report detailing the results of the pilot program carried out under this section, including any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

SA 1013. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPEAL OF MANDATORY COMMODITY PROMOTION AND MARKETING PROGRAMS.

(a) REPEALS.—The following provisions of law are repealed:

(1) The Cotton Research and Promotion Act (7 U.S.C. 2101 et seq.).

(2) The Potato Research and Promotion Act (7 U.S.C. 2611 et seq.).

(3) The Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.).

(4) The Beef Research and Information Act (7 U.S.C. 2901 et seq.).

(5) The Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3401 et seq.).

(6) Subtitle B of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.).

(7) The Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4601 et seq.).

(8) The Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4801 et seq.).

(9) The Watermelon Research and Promotion Act (7 U.S.C. 4901 et seq.).

(10) The Pecan Promotion and Research Act of 1990 (7 U.S.C. 6001 et seq.).

(11) The Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6101 et seq.).

(12) The Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6201 et seq.).

(13) The Soybean Promotion, Research, and Consumer Information Act (7 U.S.C. 6301 et seq.).

(14) The Fluid Milk Promotion Act of 1990 (7 U.S.C. 6401 et seq.).

(15) The Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993 (7 U.S.C. 6801 et seq.).

(16) The Sheep Promotion, Research, and Information Act of 1994 (7 U.S.C. 7101 et seq.).

(17) Section 501 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401).

(18) The Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411 et seq.).

(19) The Canola and Rapeseed Research, Promotion, and Consumer Information Act (7 U.S.C. 7441 et seq.).

(20) The National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7461 et seq.).

(21) The Popcorn Promotion, Research, and Consumer Information Act (7 U.S.C. 7481 et seq.).

(22) The Hass Avocado Promotion, Research, and Information Act of 2000 (7 U.S.C. 7801 et seq.).

(b) PROHIBITION ON REGULATIONS.—Notwithstanding any other provision of law, the Secretary of Agriculture may not issue or carry out any regulation that would authorize a fee to be imposed or collected on an agricultural commodity, or a producer of an agricultural commodity, for the purpose of promoting or marketing that agricultural commodity.

SA 1014. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title III, in the matter under the heading ''ENERGY EFFICIENCY AND RENEWABLE ENERGY'' under the heading ''ENERGY PROGRAMS'', insert '': *Provided further*, That not later than 1 year after the date of enactment of this Act, the Secretary shall establish minimum performance standards for energy efficiency for the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) and establish, at a minimum, that not later than 3 years after the date of enactment of this Act, all residential buildings that receive assistance under the Weatherization Assistance Program shall comply with the most recent International Energy Conservation Code published by the International Code Council'' before the period at the end.

SA 1015. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DESIGNATION OF QUALIFIED CENSUS TRACTS.

(a) DESIGNATION.—

(1) IDENTIFICATION OF HUBZONE QUALIFIED CENSUS TRACTS.—Not later than 2 months after the date on which the Secretary of Housing and Urban Development receives from the Census Bureau the data obtained from each decennial census relating to census tracts necessary for such identification, the Secretary of Housing and Urban Development shall identify and publish the list of census tracts that meet the requirements of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(2) SPECIFICATION OF EFFECTIVE DATES OF DESIGNATION.—

(A) HUBZONE EFFECTIVE DATE.—The Secretary of Housing and Urban Development, after consultation with the Administrator of the Small Business Administration, shall designate a date that is not later than 3 months after the publication of the list of qualified census tracts under paragraph (1) upon which the list published under paragraph (1) becomes effective for areas that qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(B) SECTION 42 EFFECTIVE DATE.—The Secretary of Housing and Urban Development shall designate a date, which may differ from the HUBZone effective date under subparagraph (A), upon which the list of qualified census tracts published under paragraph (1) shall become effective for purposes of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect the method used by the Secretary of Housing and Urban Development to designate census tracts as qualified census tracts in a year in which the Secretary of Housing and Urban Development receives no data from the Census Bureau relating to census tract boundaries.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that—

(1) describes the benefits and drawbacks of using qualified census tract data to designate HUBZones under section 3(p) of the Small Business Act (15 U.S.C. 632(p));

(2) describes any problems encountered by the Administrator in using qualified census tract data to designate HUBZones; and

(3) includes recommendations, if any, for ways to improve the process of designating HUBZones.

SA 1016. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division A, add the following:

SEC. 1____. The Corps of Engineers is authorized to carry out any project for which—

(1) there is a signed report of the Chief of Engineers by the end of fiscal year 2012; and

(2) prior to authorization, the Chief of Engineers certifies that 100 percent of the cost of carrying out the project is contributed by a non-Federal entity or a group of non-Federal entities.

SA 1017. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act shall be used to make a loan guarantee of any kind.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power. The hearing will be held on Thursday, December 8, 2011, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing will be to hear testimony on opportunities and challenges to address domestic and global water supply issues.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Meagan Gins@energy.senate.gov.

For further information, please contact Sara Tucker at (202) 224–6224 or Meagan Gins at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 15, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 15, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on November 15, 2011 at 10 a.m. to conduct a hearing entititled ''Oversight of the Federal Housing Finance Agency.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 15, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. 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 November 15, 2011, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 15, 2011, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Medical Devices: Protecting Patients and Promoting Innovation'' on November 15, 2011, at 2:30 p.m., in room G50 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 15, 2011, at 3:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 15, 2011 at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND TERRORISM

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Terrorism, be authorized to meet during the session of the Senate, on November 15, 2011, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Fix Gun Checks Act: Better State and Federal Compliance, Smarter Enforcement.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER PROTECTION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on November 15, 2011, to conduct a hearing entitled ''Financial Security Issues Facing Older Americans.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that Sarah Boger, an intern in my office, be allowed the privileges of the floor throughout consideration of the debate on the nomination of Sharon Gleason.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

SUPPORT FOR NATIONAL INFORMATION AND REFERRAL SERVICES DAY

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 241 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 241) expressing support for the designation of November 16, 2011, as National Information and Referral Services Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon table, with no intervening action or debate, and that any statements related to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 241) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 241

Whereas information and referral services link the consumer who has a need or problem with the most appropriate service to address that need or solve that problem;

Whereas quality information and referral services are the keystone point of entry to the entire human services structure delivery system;

Whereas information and referral services have been recognized in Federal legislation for more than 35 years since the 1973 reauthorization of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and the subsequent establishment of the national Eldercare Locator and the development of Aging and Disability Resource Centers;

Whereas, as of the date of agreement to this resolution, the United States is served by information and referral through 2–1–1 programs, aging information and referral services, Aging and Disability Resource Centers, child care resource and referral services, military family centers, and other specialty information and referral services;

Whereas individuals who understand the variety of services available are better equipped to make decisions;

Whereas, in 1997, the national 2–1–1 initiative began with the United Way of Metropolitan Atlanta creating the first 24-hour telephone information and referral service using the easy-to-remember 2–1–1 dialing code for access;

Whereas, in 2000, the Federal Communications Commission reserved the 2–1–1 dialing code for community information and referral services, intended as an easy-to-remember and universally recognizable number that would serve as a vital connection between individuals and families in need, and appropriate community-based organizations and government agencies, on a regular basis and in times of disaster;

Whereas the Alliance of Information and Referral Systems has been providing professional standards and credentialing programs for those operating information and referral services;

Whereas expanding access to information about, and referrals to, services provides individuals with lower cost and safer options for managing their needs, and is likely to reduce confusion, frustration, and inaccessibility to services; and

Whereas requests for assistance through information and referral services and 2–1–1 have increased across the United States due to the economic crisis: Now, therefore, be it

Resolved, That the Senate—

(1) expresses support for the designation of November 16, 2011, as National Information and Referral Services Day—

(A) to raise public awareness about the existence and importance of information and referral services available to all people in the United States; and

(B) to more effectively target those services to reach individuals most in need;

(2) encourages activities in communities across the United States involving schools, nonprofit organizations, businesses, and other entities to ensure information and referral services are part of everyday life in addition to emergency preparedness programs; and

(3) reaffirms the importance of clear and consistent professional standards to govern every aspect of quality information and referral services.

RECOGNIZING THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 323, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 323) recognizing the 75th anniversary of the Welfare Program of the Church of Jesus Christ of Latter-Day Saints and the significant impact of the Welfare Program in the United States and throughout the world in helping people in need.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Mr. President, I support this resolution recognizing the 75th anniversary of the welfare program of the Church of Jesus Christ of Latter-day Saints, LDS. This resolution recognizes and commends the LDS Church and its members for 75 years of donating their time, energy, and resources to benefit people across the Nation and throughout the world.

Since its creation in 1936, the LDS welfare program has matured to a point where its reach can be felt across the globe by people of all nations and religious affiliations. Founded to help others achieve self-reliance, the program has remained true to its founding values as it has grown. To date, a remarkable 63,000 tons of food has been distributed by the welfare program to people in need across the globe. In addition to food distribution, the program has provided much needed clothing, medical aid, and services to help people gain long-term stability in the workforce and in the home.

Over 300 LDS Employment Research Service Centers around the world provide people with jobs skills training, resume-writing workshops, interviewing classes, and assistance in finding employment. In addition, Deseret Industries, an LDS Church-run group of thrift stores, provides refugees and the disabled with the employment they need to gain on-the-job experience before moving on to long-term employment. Another arm of the welfare program, LDS Family Services, provides adoption services, support groups for addiction recovery, and counseling for a variety of emotional, social, and spiritual challenges.

There is a common assumption that if the Federal Government does not address a problem, no one else will. The LDS welfare program is evidence that private charities play a vital role in providing for the social, mental, physical, and spiritual welfare of this Nation's citizens. President Ronald Reagan recognized this truth.

He believed that government could not provide a solution for every problem. He also understood that there is much that the government can learn from the sound management of the LDS welfare program and other private charitable organizations. In fact, President Reagan said of the LDS welfare program, ''If, during the period of the Great Depression, every church had come forth with a welfare program founded on correct principles . . . we would not be in the difficulty in which we find ourselves today.''

As I look at the surging national debt driven largely by poorly structured entitlement programs, I can't help but think that President Reagan's words are as true today as they were in 1982.

The LDS welfare program is an inspirational example of what a private organization can accomplish as ordinary people give of their money, time, and talents. I wish to congratulate the Church of Jesus Christ of Latter-day Saints, its leadership, and its worldwide membership on the success of this great program.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 323) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 323

Whereas in 1936, while the United States was mired in the Great Depression, Heber J. Grant, President of The Church of Jesus Christ of Latter-day Saints (referred to in this Resolution as ''the LDS Church''), announced the creation of what came to be known as the Welfare Program;

Whereas President Grant explained, ''Our primary purpose was to set up . . . a system under which the curse of idleness would be done away with, the evils of a dole abolished, and independence, industry, thrift and self respect be once more established amongst our people . . . The aim of the Church is to help the people to help themselves. Work is to be re-enthroned as the ruling principle of the lives of our Church membership.'';

Whereas, the LDS Church's Welfare Program, which is based on the principles of self-reliance and industry, has expanded throughout the world and assists people of all faiths by caring for the needy while simultaneously teaching principles to help them become self-reliant and retain their self respect;

Whereas funding for the LDS Church's Welfare Program is provided by the members of The Church of Jesus Christ of Latter-day Saints, who routinely fast for 2 consecutive meals every month and make donations to the LDS Church's Welfare Program that is at least equal to the money they would have spent on food;

Whereas the LDS Church's Welfare Program provides opportunities for members of The Church of Jesus Christ of Latter-day Saints to help the less fortunate by working at dozens of farms and canneries located throughout the United States and Canada that produce food for needy people;

Whereas needy people in the community are identified by the leader of each local church congregation, in consultation with other local leaders, including the Relief Society President (a woman from the congregation who serves as the local leader of the LDS Church's women's organization);

Whereas people in need are provided free food and household items at facilities called Bishop's Storehouses after receiving a written requisition from the leader of their local congregation;

Whereas the 129 Bishop's Storehouses, which are located throughout the world, provide needed commodities from the consecrated sacrifices of members of The Church of Jesus Christ of Latter-day Saints;

Whereas recipients of these commodities are given service opportunities, to the extent of their ability, which allow them to demonstrate their gratitude for what they have received;

Whereas employment resource service centers, which are also part of the LDS Church's Welfare Program, provide a place where people can receive job training, learn to enhance their resumes, and find job opportunities;

Whereas there are nearly 300 employment resource service centers throughout the world, at which volunteers help hundreds of thousands of people to find jobs every year, a large percentage of whom are not members of The Church of Jesus Christ of Latter-day Saints;

Whereas the LDS Church's Welfare Program also includes Deseret Industries, which serves as an employment training facility and operates thrift stores;

Whereas these thrift stores provide on-the-job experience for refugees or others who need help qualifying for long-term employment and are stocked by individual donations, which are offered to the public at inexpensive prices;

Whereas the LDS Church's Welfare Program also includes LDS Family Services, a private, nonprofit organization that provides counseling, adoption services, addiction recovery support groups, and resources for social, emotional, and spiritual challenges;

Whereas the influence and power for good exerted by the Welfare Program of the LDS Church has greatly expanded over its 75-year history; and

Whereas the positive impact of the LDS Church's Welfare Program in the United States has assisted untold numbers of United States citizens:

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 75th Anniversary of the Welfare Program of The Church of Jesus Christ of Latter-day Saints;

(2) congratulates the members of The Church of Jesus Christ of Latter-day Saints for the significant contribution that its Welfare Program has had on United States citizens and many people throughout the world; and

(3) commends the many efforts made by The Church of Jesus Christ of Latter-day Saints and its members, through its Welfare Program, to serve others regardless of religious affiliation.

ORDERS FOR WEDNESDAY, NOVEMBER 16, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Wednesday, November 16, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; and that following morning business, the Senate resume consideration of H.R. 2354, the Energy and Water appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. As I indicated an hour or so ago, Mr. President, I hope we are going to be able to get some kind of agreement on the Energy and Water appropriations bill. We also have to consider the continuing resolution, the conference report on the first minibus we did, and the Department of Defense authorization bill. So we have a lot to do in a short period of time. Senators will be notified when votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7 p.m., adjourned until Wednesday, November 16, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DEBORAH J. JEFFREY, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE GERALD WALPIN.

DEPARTMENT OF THE TREASURY

MARK J. MAZUR, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE MICHAEL F. MUNDACA, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 15, 2011:

THE JUDICIARY

SHARON L. GLEASON, OF ALASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA.

YVONNE GONZALEZ ROGERS, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.