

DEPARTMENT OF DEFENSE—CIVIL
CEMETERIAL EXPENSES, ARMY
SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$45,800,000, to remain available until expended: Provided, That none of the funds available under this heading shall be for construction of a perimeter wall at Arlington National Cemetery. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME
TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$67,700,000, of which \$2,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi.

SEC. 301. Not later than 90 days after enactment of this Act, the Executive Director of Arlington National Cemetery shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives; the Senate Armed Services Committee; the Senate Veterans' Affairs Committee; and the Senate Homeland Security and Governmental Affairs Committee, detailing the strategic plan and timetable to modernize the Cemetery's Information Technology system, including electronic burial records. The report should also include a description of the steps taken by the Executive Director in 2011 to implement information technology and management systems improvements, and identify any remaining information technology and systems infrastructure needs of Arlington National Cemetery.

TITLE IV
GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Such sums as may be necessary for fiscal year 2012 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 403. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 404. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 408. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 409. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantanamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

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

This Act may be cited as the "Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2012".

The PRESIDING OFFICER. The Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints:

Mr. JOHNSON of South Dakota, Mr. INOUE, Ms. LANDRIEU, Mrs. MURRAY, Mr. REED of Rhode Island, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. TESTER, Mr. LEAHY, Mr. KIRK, Mrs. HUTCHISON, Mr. MCCONNELL, Ms. MURKOWSKI, Mr. BLUNT, Mr. HOEVEN, Mr. COATS, and Mr. COCHRAN, conferees on the part of the Senate.

The majority leader is recognized.

Mr. REID. Mr. President, I express my appreciation to the chairman and the ranking member of the subcommittee for the work they have done on this bill. It took a little longer than we wanted, but they got it done. They have been excellent managers of this important legislation. It is our first appropriations bill. Senator MCCONNELL and I want to do other appropriations bills. It would be a new day to do these bills rather than having a big omnibus bill. Again, I express my appreciation to the managers.

There will be no more rollcall votes today. Tomorrow, I am going to move to proceed to the bill that we call the Cut, Cap, and Balance bill received from the House today. Under the rules of the Senate, a cloture vote on the motion to proceed will occur Saturday. Therefore, I expect a cloture vote sometime before lunchtime.

I am committed to allowing a full and fair debate on this bill. I want the proponents and the opponents to have plenty of time to air their views. If the proponents of the bill would like to have the vote sooner, they can let me know and we will try to work something out. There may be efforts to try to advance that vote. As far as I am concerned, we should have a full and fair debate, and I look forward to that.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, let me echo the remarks of the majority leader regarding the chairman and the ranking members of this subcommittee, who have done a fine job. I commend Senator KIRK, who has served around here for the last couple of years. It is truly remarkable to pass an appropriations bill. We passed it at a level where it is likely to be conferenced successfully with the House. I congratulate both Senators—in particular our new Senator from Illinois.

I also share the view of the majority leader that we should have a vigorous debate over cut, cap, and balance. I look forward to being here Saturday to vote to proceed to that bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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 now 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.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MILCON APPROPRIATIONS

Mr. KIRK. Mr. President, I extend my thanks to Chairman JOHNSON

again. This bill passed by a vote of 97 to 2. It is the first appropriations bill separately passed by the Senate since November of 2009. It represents a substantial achievement of bipartisan cooperation between the majority and minority. It meets the needs of our over 22 million veterans and the military construction needs of the Army, Navy, Air Force, and allied services around the world.

I am happy that the Senate has begun working again on separate appropriations bills. I commend Chairman INOUE and Vice Chairman COCHRAN for moving forward, as well as the leadership staff. I only hope that further subcommittees can bring other bills forward, as Chairman JOHNSON and I have done, to return regular order to the Senate and its appropriations process.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. 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. THUNE. Mr. President, I ask unanimous consent to engage in a colloquy with the Senator from New Hampshire.

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

BALANCED BUDGET AMENDMENT

Mr. THUNE. I have been coming to the floor for several weeks to talk about the need to restrain spending and cut our deficit. As we look at the next few days, we are going to have an opportunity to debate something that does that. We are going to be talking about the Cut, Cap, and Balance plan.

The third part of the plan—the balanced budget amendment—is something I have supported since I first ran for the House of Representatives about 15 years ago. This past week, I received a letter from a Boy Scout in South Dakota, who was writing in to earn a merit badge. I will read an excerpt from the letter. This is what he said:

I feel that the Federal Government needs a balanced budget. If we don't, the debt gets larger each year. I feel that there are two solutions for this. In our house, we are careful to only spend what my Mom and Dad earn. The needs come first and what is left is for wants. Many times we were told no when we asked for something. With my allowance and lawn mowing money, I divide it between donations, savings and spending. I can't spend more than I make.

I think there are two very powerful thoughts in this statement. First is that the need for a balanced budget is obvious—even to this young man because, like him, we cannot spend more than we make. The second is that this has a profound impact on the younger generation. The debts we are running up now will have profound impacts on our children and our grandchildren.

The Senator from New Hampshire is on the floor. She is fairly new to the Senate, but she has already had an immediate impact on many of these budget debates. She is also the mother of two young children, each of whom is carrying a \$46,000 debt. I ask the Senator from New Hampshire about those two young children and the \$46,000 burden that has been placed on them by the \$14.3 trillion national debt we have. Does she feel comfortable having her children essentially owe \$46,000 of this massive national debt we have accumulated now for the past several years?

Ms. AYOTTE. I thank my colleague from South Dakota. This is such an important issue, as he has pointed out, and as his constituent has written him.

As a mother of two children, I am deeply concerned with what is going to happen to the next generation if we continue to kick this can down the road and if we don't use common sense to balance our budget.

I have heard from constituents in New Hampshire—and I am sure the Senator from South Dakota hears the same—that basically only in Washington would the notion of balancing your budget be called “extreme.”

It is common sense that you can't spend more money than you have. We need to pass the Cut, Cap, and Balance plan, because it is a commonsense proposal to ensure that we don't continue along this cycle of continuing to increase our debt and not have a plan to pay our bills.

And borrowing money from China—that has to stop. When you think about all the money we have borrowed from a country such as China, which doesn't share our values—right now, there is no other plan that has been presented but the Cut, Cap, and Balance plan, which was just passed by the House. We can do this now and put our nation on a path to a balanced budget and make sure that the Senator's constituents—and I know he is a father as well—and our children don't bear the burden of our failure to make the tough decisions today. We owe it not only to everybody in our generation but to our children and our grandchildren.

I wanted to ask the Senator from South Dakota this: The cut, cap, and balance plan puts emphasis on cutting spending instead of raising taxes to bring down our deficit and our \$14 trillion debt. Does he believe that is the right approach for America?

Mr. THUNE. Absolutely. I say to my colleague from New Hampshire that the cut, cap, and balance approach is the correct way to approach this problem, because it makes cuts to spending today—real cuts—this year, to this year's budget. It caps spending in the near term, and then it puts into place a balanced budget amendment that would require Congress to balance its budget in the future years. Obviously, that is something many States have. My State of South Dakota has that. I know that the “live free or die” State of New Hampshire has some very dis-

tinct and direct views about the role of government and making its role limited, keeping spending under control, and living within your means.

Cut, cap, and balance is the correct approach because it puts the emphasis on getting spending under control. If you look at the five times our country balanced the budget since 1969, the average amount we spent was just under 18.7 percent of GDP—our entire economy. This year, we are set to spend 24.3 percent of our GDP. That is just on the Federal Government—a historic high.

The President spends substantially above this average in his budget for every year. You literally have to go back to the end of World War II to find a time when we spent this amount as a percentage of GDP on the Federal Government.

Part of the reason for this is the huge increase we have seen in nondefense discretionary spending from 2008 to 2010. In those 2 years, in which the economy was hurting and families everywhere were cutting back, these accounts increased by a mind-boggling 24 percent.

This year, part of our deficit is also caused by low tax receipts, which are caused by a slow economic recovery. If you look at the tax revenue that we brought in in 2006 and 2007, we brought in over 18 percent of GDP in both years. So if we are able to constrain spending, we know we will be able to balance our budget once our economy improves.

I argue that one of the ways we help our economy improve and get back on track is to get Federal spending under control. In 2006 and 2007, the income Tax Code—the way we collected taxes was similar to what we have today. We brought in over 18 percent of GDP in both of those years. So if we get back to a more normal footing in terms of the economy, we will see revenues start to come back. But we have to get spending controlled and actually start to rein in the out-of-control spending we are seeing here in Washington, DC.

If there is still a gap, even if we get back to 18 percent of GDP in terms of what we collect in the form of tax receipts, there is still 23, 24, 25 percent of GDP that the President wants to be comprised of Federal spending. The gap cannot be met through tax increases. It has to be dealt with through spending restraint.

A couple of years ago—and I want to get back to my colleague from New Hampshire in just a moment—Senator AYOTTE's predecessor in this job, Senator Gregg of New Hampshire, who was a great fiscal mind around here and somebody who was very focused on spending and debt, along with Congressman RYAN, asked the Congressional Budget Office to estimate how high tax rates would have to rise to pay for our projected spending. CBO's response had two parts. First, they said marginal rates would have to more than double to cover the expected expenditures of our government. They said: