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Senate

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

Father of all, out of the noisy world, we come to this quiet place of prayer. We depend on Your goodness, Your mercy and grace.

As our lawmakers face the challenges of their calling, inspire them to have a mature faith in Your providential leading. Lord, fill them with Your spirit so that they will acknowledge their dependence on You for every breath they breathe and every creative thought they think. May today be for them a building block for making America a nation that glorifies You.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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 28, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—MOTION TO PROCEED—Resumed

Mr. REID. Madam President, I now move to proceed to Calendar No. 419, the DOD authorization bill.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 3254) to authorize appropriations for fiscal year 2013 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.

SCHEDULE

Mr. REID. Madam President, the first hour will be 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. We expect to begin consideration of the DOD authorization bill today.

DISABILITIES CONVENTION

On April 14, 1945, a very young Robert Dole lay gravely wounded in the mud of a war-torn Italian hillside. He had been hit with shrapnel which tore through his shoulder and his spine. But 24 years later, after years spent rebuilding his body and building a political career, the future Senate majority leader gave his maiden speech on the Senate floor. His first floor speech here in the Senate was about the challenges faced each day—even in this the richest of nations—by people just like Robert Dole, people with disabilities. That is what he spoke about. He described the discrimination disabled Americans faced as ''maybe not exclusion from the front of the bus, but perhaps from even climbing aboard it.''

Over the next 27 years of his Senate career, including 11 years as majority leader, and throughout his years in the private sector, Bob Dole would remain a vocal advocate for Americans with disabilities. Since Senator Dole fought for passage of the Americans With Disabilities Act in 1990, barriers have been lifted, helping people with disabilities in this country live the full and productive life they want and deserve.

There is no finer example of the extraordinary goals Americans can achieve in spite of their disabilities than Bob Dole's inspiring career. In my mind's eye, I can see Senator Dole on the Senate floor standing straight and tall, slim, and articulate—as I indicated yesterday, always with something funny to say. But what people did not notice was that one of his arms was inoperative. He always kept a pen in that hand so people would not grab his hand or something like that. But it was distinctive. That was the distinctive Robert Dole. He was such a force here in the Senate, and to think that he did it all after having been really blown up in a war.

The United States has been a leader in expanding disability rights across the globe. U.S. law has been the gold standard for the rest of the world. But the United States must continue to lead by example and must do more to protect American citizens traveling and working abroad.

The disabilities convention before the Senate today—a treaty ratified by 125 nations—would advance those goals. This convention would give us

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

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an opportunity to strengthen our leadership on disability rights around the world. It is another step toward ensuring that all people with disabilities in any country are treated with dignity and given the right to achieve to their full potential.

Ratification of this treaty will not cost the U.S. taxpayers a single dime. It will not require any changes in our existing law. It has the support of veterans groups and disability groups around the country. It has the strong backing of a bipartisan group of Senators and leading Republicans such as George H.W. Bush as well as Senator Dole. He called me a few days ago to tell me how much he wanted this passed.

Like passing the Americans With Disabilities Act, ratifying the treaty is the right thing to do. Ralph Waldo Emerson wrote, ''If you would lift me up you must be on higher ground.'' If the United States wishes to be a global example for the huge strides people with disabilities can make when barriers to succeed are removed, we must take the high ground.

I thank Senator KERRY, the chairman of the Foreign Relations Committee, Senators MCCAIN, LUGAR, DURBIN, BARRASSO, COONS, TOM UDALL, MORAN, and others, and especially Senator HARKIN, who is the father of the Americans With Disabilities Act, leading the way on this issue. With their help, I hope we can quickly ratify this treaty.

RECOGNITION OF THE MINORITY LEADER

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

FISCAL CLIFF

Mr. MCCONNELL. Madam President, over the past few weeks Americans have started to really focus on the debate we are having here in Washington about how the two parties can work together to prevent a short-term economic crisis in January and an even bigger budgetary crisis later on. So it may come as a surprise to many to see that with just a few weeks to go before a hard deadline on solving the short-term issue, President Obama has decided to hit the road—hit the road—this week to drum up support for his favored approach. It is hard to believe, really. I mean, every week he spends campaigning for his ideas is a week we are not solving the problem. It is completely counterproductive. The election is over. He won. Congratulations. We have a hard deadline here, however. He is still out on the campaign trail kind of celebrating. This is a problem.

If the President really wants to reach an agreement, he needs to be talking with the members of his own party right here in Washington, trying to broker an agreement, not out there firing up crowds and giving speeches. He is the only one who can do it, the only one who can bring folks together to broker a consensus solution that can pass a Democratic-controlled Senate as well as a Republican-controlled House. This has been my message for weeks. I reiterated it on Monday. I repeat it today.

There are some important points to keep in mind as well. Yesterday I came to the floor to remind folks that we did not get here by accident. The only reason we are even facing these twin crises right now is because Democrats have spent taxpayer money with total abandon over the past 4 years and done nothing to address the main drivers of the debt.

Our Democratic friends like to say we cannot simply cut our way to prosperity. Well, leaving aside for a moment the fact that no one is actually proposing we do that, we cannot spend our way to prosperity either. That is exactly what Democrats have been trying to do for 4 years. We have been trying to spend our way to prosperity. It has not worked yet and is not likely to work in the future.

This is not complicated. We are not in this mess because Washington taxes too little, we are in this mess because Washington spends too much. The American people know that. And we are not going to get out of it until Democrats get serious about real spending cuts and meaningful entitlement changes. So this morning I would like to speak in a little more detail about why it is that we need to strengthen and protect these entitlement programs through reforms that match them up with the Nation's changing demographics.

Democrats like to pretend they are the great protectors of Social Security, Medicare, and Medicaid. They make solemn pledges all the time about how they will not even entertain a discussion about reform. What they do not say is that ignoring those programs is the surest way to guarantee their collapse.

All we are calling for is an honest conversation. We all know these programs are in trouble. Let's figure out a solution. When it comes to entitlements, Republicans are guided by a simple principle: We do not want Americans to age into a system that no longer exists. We do not want Americans to age into a system that no longer exists. We want to protect them and to protect people's investment in them. But we can't do it alone. Reform is something that can only be done by both parties together. That is the reality. And there has been a scandalous lack of leadership on this issue for years among Democratic leaders in Washington because they think it is a winner politically.

What I am saying is that the Democrats just won the election. Congratulations. Turn off the campaign and recognize the opportunity that divided government presents to actually do something to strengthen these programs and protect them for future generations. That is all Republicans are asking for. Medicare, Medicaid, and Social Security are critical to the economic and health care security of millions of older, lower income, and disabled Americans. We want to make sure they remain viable not only for today's seniors but for their children and their grandchildren and that they do not consume so large a share of Federal spending that we do not have the money to pay for other necessities.

Here are the facts, just the facts. Longer lifespans and Federal spending patterns threaten the viability of all of these programs as well as the economic well-being of our country and our children. Think about it. The number of Americans over the age of 65 will increase from 40 million in 2010 to 54 million at the end of this decade and then 72 million a decade after that. Americans are living longer, more productive lives. That is great and a testament to modern health care here in the United States, but it creates obvious challenges for which we need to prepare. We cannot just let seniors age into promises that can no longer pay promised benefits. It is not right. Yet already Medicare and Social Security are both paying out more benefits than they take in from taxes. Medicare and Social Security are paying out more benefits than they take in from taxes now—not some other day, now.

The problem is particularly urgent in Medicare, which paid out nearly $30 billion more than it took in last year and which is on the road to bankruptcy in about 10 years—10 years from now, a bankrupt Medicare. This is not alarmism. It is math. It is a fact. And the studies that illustrate the gravity of the problem come from members of the President's own Cabinet who serve as the Medicare trustees.

In discussing the Medicare Part A trust fund, for example, the Medicare trustees report that expenditures for this program have exceeded income every year since 2008, and projected expenditures continue to do so every year until the fund becomes exhausted in 2024, which is not that far away.

What do the President's own trustees think we should do about all of this? This is from their report:

> The financial projections in this report indicate a need for additional steps to address Medicare's remaining financial challenges. Consideration of further reforms should occur in the near future. Not some other day, now.

Again, these are the President's own trustees. They are the ones saying we need to do something about the problem; not just me, the Medicare trustees.

Yet Democrats are telling those on the hard left, don't worry about it, don't worry about it. They won't do anything to reform and protect theses programs. For some reason these groups all applaud, as if this is some kind of an achievement—as if this is some kind of an achievement, allowing entitlements to crumble. That is the kind of leadership vacuum we have had on this issue from Democrats in Washington literally for years. Here is a concrete example of what I mean.

The Medicare Modernization Act requires Medicare trustees to send a funding warning letter whenever Medicare begins to rely on the Treasury for more than 45 percent of its financing. The law then requires the President to submit a plan to Congress on how he plans to address the shortfall. The trustees issued their first such warning back in 2007, and they have continued to issue one every year since. President Bush submitted his plan. This President has ignored the warnings every year he has been in office, every year.

Here is another example. In 2010 the Director of the nonpartisan Congressional Budget Office warned that ''the single greatest threat to budget stability of the Federal Government is the growth of Federal spending on health care.'' Yet how did President Obama and his allies respond to these warnings about overspending on health care? He increased Federal spending on health care by $580 billion. That was their response, to increase spending on health care by $580 billion. That was their solution.

As for Social Security, the only thing we hear from Democrats is that they don't want to talk about it. Don't want to talk about it? Why in the world wouldn't they want to talk about the fact that this vital program started spending out more than it took in in 2010 for the first time in nearly 30 years, and that its trustees now estimate that it will keep spending more than it takes in for 75 years unless we strengthen it?

But, again, it is not just a question of when these programs go broke, it is also about the strain they continue to put on the rest of the Federal budget on their way to going broke. Look, I understand that when it comes to government spending, those on the hard left have no limiting principle. No limiting principle. They don't think about this. They think every dollar secured is sacrosanct forever and forever, amen. But when you are in charge, when you are the steward of the Nation's finances, you don't have that luxury. You are actually responsible.

These are just a few of the ways in which Democrats have been slowly undermining the very programs they claim to champion, making it even harder for us to reform and strengthen them in the future. The good news is these challenges are neither unprecedented nor insurmountable. We have done it before. When a President of one party has decided to sit down with leaders of the other party in Congress, we have faced up to challenges such as these and made the tough choices necessary to resolve them.

In 1983, President Reagan worked with Tip O'Neill to reach an agreement that increased the retirement age and laid the groundwork for preserving Social Security for decades to come. In 1997, Medicare faced total insolvency by 2001. President Clinton, working with a Republican Congress, reached an agreement that added decades to the life of the Medicare trust fund.

We can do this. We can do this. But the President, as I have said, has to lead. That is the issue. It is that simple.

RULES CHANGES

Madam President, we have been having a spirited discussion this week over the plans of the Democratic majority to break the rules to change the rules. That is how my friend from Nevada repeatedly described it when Republicans considered doing something similar several years ago but wisely chose not to.

At the end of the following year, my friend was poised to become Senate majority leader, which was back in 2006. With the experience of having served in the minority in his mind, the majority leader, the soon-to-be majority leader, the Senator from Nevada, made a commitment to practice the Golden Rule, as he put it, by running the Senate with respect for the rules and for the minority rights the rules protect.

Unfortunately, he appears to have repudiated that clear commitment. Unfortunately, he no longer recognizes, as Senator Byrd did, by the way, that the Senate was not established to be efficient but to make sure minorities are protected.

Then my friend recognized that is what the Senate is all about. That is what he said back then. Now he says the primary consideration is ''efficiency.'' He seeks to minimize concerns about this majoritarian power grab by characterizing the effect as ''tiny,'' just a little change, a ''minor change,'' as changing the rules just a little bit.

But when one of my new Members asked the majority leader if this change occurred what recourse he would have to ensure he ever got an amendment to the bill, the majority leader quipped, ''You can always vote against the bill.'' In other words, my friend from Nevada acknowledged that if this change occurred, the minority will no longer have any ability to ensure that it and those whom it represents have a meaningful voice in the legislative process.

My new colleague was surprised, but I can't say I was. After all, the majority leader brazenly told Senator MCCAIN that ''the days of amendments are over.''

The record of the Democratic leadership, of course, backs this up. It is engaged in a systemic effort to use and abuse Senate procedures to marginalize the voice of the minority in the legislative process. Let us review the record.

It used to be unprecedented to use Senate rule XIV frequently. This rule allows the majority to bypass committees and write bills behind closed doors. Doing so deprives all Senators, Republicans and Democrats, of the chance to have their committee work actually make any difference.

According to the Congressional Research Service, the majority has used this rule to bypass committees nearly 70 times—70 times. When Republicans were last in the majority under Senator Frist, we used that rule less than half as often, only 30 times to be specific, which is a much lower rate, proportionately speaking.

When a bill that has bypassed committee goes straight to the floor under the current Democratic leadership, there often isn't an opportunity to participate there either. In fact, according to the Congressional Research Service, the current Democratic leadership continues to break records there as well. It has blocked Senators from both sides of the aisle from offering amendments on the floor 68 times—68 times. That is a conservative figure in which the majority has simply made it impossible for any Senators to offer any amendments on the floor. For if the Democratic leadership indicates it won't let us offer any amendments to a bill, and in response we don't allow the majority to get on the bill, then there is no tree to fill that shows up in the statistics, but there is a filibuster. Of course, the filibuster statistic doesn't indicate the reason for the filibuster in the first place. Let me say that again. The filibuster statistic doesn't indicate the reason for the filibuster in the first place.

But even this conservative figure is 70 percent greater than the number of times the six prior majority leaders combined—combined—shut their colleagues out of the amendment process. Our friend, the majority leader, cavalierly dismisses this unprecedented blocking of Senators of both parties from offering amendments. He said this behavior has ''no bearing on what's going on around here.'' It has ''no bearing on what's going on around here.''

Well, maybe in his mind it doesn't, but that is a pretty convenient and, frankly, self-serving attitude coming from the one who is picking the amendments. It is a little bit bigger deal to the other 99 of us who don't get to offer any amendments, when our constituents elected us to be a meaningful voice for them.

Of course, that wasn't the majority leader's view when he was in the minority and had to live under that procedure. Senator Frist as majority leader blocked his colleagues from offering amendments a relatively modest 15 times in 4 years—15 times in 4 years. Do you know what the reaction of my friend from Nevada was when Senator Frist did this a relatively modest number of times over 4 years? He said it was ''a bad way to run the Senate.'' He said it was a ''very bad practice.'' He said it ''runs against the basic nature of the Senate.''

Well, if it was a bad way to run the Senate, if it was a very bad practice, if it ran against the basic nature of the Senate to do it 15 times in 4 years, what would be the fair way to characterize the practice when it happened nearly 70 times on bills, especially when many of those never went

through committee? Is it fair to conclude that this sort of stewardship of the Senate might be more than just a few tweaks shy of how this institution, which is supposed to protect the rights of all Senators, including those in the minority, is supposed to function?

But the current Democratic leadership wasn't content to stop there in marginalizing the minority. Because the minority isn't allowed to offer amendments in committee and isn't allowed to offer amendments on floor, some of our Members began to put forth legislative ideas by moving to suspend the rules.

This wasn't exactly a level playing field for us because of the requirement in the Senate rules that motions to suspend the rules receive 67 votes to prevail. But even if the deck was stacked against us, it was a chance for us to put our ideas and those of our constituents before the body.

Well, of course, that was even too much, too much legislative freedom for the majority. Even if the majority started with a 27-vote built-in advantage under the rules to defeat these motions, having to bother with them was just too much, just too much of a bother. It got in the way of efficiency. So the majority leader used a simple majority to change Senate procedure to shut down the minority there too.

Even that is not enough. That is not enough. The same Democratic leadership now wants to take away the right to extend the debate on motions to proceed to a measure. Don't worry, they say. Don't worry about it. Trust us, they say. We would never take away the right to extended debate on the measure itself.

Really? Really? In light of the systemic effort to marginalize the minority at every turn, are we supposed to believe that the current majority won't subsequently cite ''efficiency'' as a reason to take away that Senate rule as well? Are we supposed to believe this assurance when the Democratic leadership so easily discards past unequivocal commitments to respect the rights of the minority?

On the record of this Democratic leadership, there is no basis, none, to believe that the proposed changes are ''tiny,'' that they are ''minor,'' that they would affect the Senate just ''a little bit'' or that they would stop there. To my colleagues who have never served in this body in the minority, who have never served under different leadership, this is not how the Senate is supposed to function.

To my Democratic friends in particular who have never served in the minority but no doubt will at some point, are you prepared to live under the rules you are now demanding? Are you prepared to be shut out from even offering amendments when the shoe is on the other foot?

We in the minority cannot fairly expect the majority to allow us to offer every amendment we wish to a bill. I understand that. We need to exercise self-restraint and good judgment as well. We know we will not get every amendment we wish to offer. But the majority cannot prevent us from offering amendments in committee, block us from offering amendments on the floor before cloture, and change Senate procedure so it can rule out of order motions we want to offer after cloture and then turn around and assert that these systemic practices ''have no bearing on what's going on around here.'' That is an abdication of responsibility.

I would encourage my friend the majority leader not to employ a heavy-handed procedure. With the House of Representatives in control of Republicans, it is important to note here, what short-term advantage would be gained by all of this nuclear option activity? The House of Representatives is in the hands of my party. So you will have degraded the Senate, created a bad precedent for the next time you are in the minority, and sent measures to the House nowhere. But in the long term it will establish a precedent for breaking the rules to change the rules that our Democratic colleagues will have to endure when they are next in the minority.

Now, what we should be doing, Madam President, is we should work together on a bipartisan basis to resolve our respective differences. That is what the Standing Rules of the Senate anticipate, and that has been how changes to Senate rules have occurred in the past. We can reach agreement, as previous majority leaders have done, without making the Senate irrelevant.

The time for the majority leader and myself to discuss these matters has come.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

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

ORDER OF PROCEDURE

Under the previous order, the following hour is equally divided and controlled between the two leaders or their designees, with the majority controlling the first half.

The Senator from Illinois.

ENTITLEMENT PROGRAMS

Mr. DURBIN. Madam President, the minority leader, Senator MCCONNELL, has addressed two issues: the entitlement programs as well as rules changes. I would defer to my colleagues from New Mexico and Oregon to address the rules changes. I would like to briefly respond to Senator MCCONNELL on entitlements.

There is no question that as a Senate and House of Representatives we should address the longevity and solvency of Social Security and Medicare. It should be part of our conversation about the deficit facing this country and the debt of our Nation. But the way we approach it, the changes we make, are significant. It should be looked at carefully.

On the issue of Social Security, I might remind those following this debate that the answer from the Republican side for years has been to privatize Social Security; to get government out of the business of retirement and let individuals take their life savings in Social Security and invest them. That debate disappeared when we had a recession recently—in the last 7 or 8 years—and people saw their life savings evaporate, melt away, as a result of downturns in the stock market. They started envisioning what would have happened had they retired at that moment in time with their Social Security savings. So the Republican answer of privatization of Social Security is a nonstarter and never mentioned in polite company in these times because it is not a credible position.

My belief is Social Security has performed admirably since its creation under President Franklin Roosevelt. I can recall in 1983, when we revised Social Security in anticipation of the baby boomers' arrival, we said: We will collect more money while they are still working so we can take care of them when they arrive in large numbers after they retire.

That is exactly what has occurred, with 10,000 people turning 65 yesterday in America, 10,000 today, 10,000 tomorrow, and 10,000 a day for the next 18 years. The boomers have arrived, having paid a lifetime into Social Security, and, rightfully, they expect their coverage to be there when they need it. It will be. But beyond the 21 or 22 years of solvency and longevity, I believe we should take a step further.

Having studied this for some time—the Simpson-Bowles Commission and other places—I think it is thoughtful and perhaps careful for us to take a look at the future of Social Security and that we need to create something like the Simpson-Bowles Commission on Social Security to report back to us in 6 or 8 months with a plan to increase the longevity of Social Security for 75 years. I think we can do that, and we can do it in a sensible way since we have 20 years to make small changes and then let them play out to give solvency to Social Security. We can then bring the issue to the floor and let bipartisan groups of Senators offer alternatives, if they wish.

But let's do this on Social Security separate from this deficit and debt debate. Social Security does not add one penny to the deficit. It is an important program, a critical program. Let's take care of it in the future, but let's do it separate from the debt debate.

Medicare is another story. Medicare has 12 years of life left. Let me make a point of saying it has 8 of those years because of President Obama's leadership. He said: We will reduce the reimbursement to providers under Medicare over the next 10 years because we are going to increase the number of people under health insurance coverage under ObamaCare. As we reduce the compensation to providers, we will buy

more life for Medicare. And we did, literally—12 years. We need to do more; 12 years is not enough.

What I said yesterday and will repeat today is we cannot come up with a solution on Medicare in the next 2 or 3 weeks. We shouldn't even try. It is too important, it is too serious when it comes to this fiscal cliff debate. But Medicare entitlement reform should be part of our conversation over the next 10 years in deficit reduction. Let's find a way to do it that does not reach the extreme of the Paul Ryan budget, which created premium supports which literally foreclosed opportunities for seniors to have Medicare coverage when they needed it the most.

Let me also add to my colleague's comments that the notion about extending the eligibility age for Medicare is one we ought to think about long and hard. To think a person would retire at the age of 64 or 65 and not have Medicare coverage until 67 raises an obvious question. These people in their midsixties, probably with a health history, will find it difficult to buy health insurance on the open market or afford whatever is available. I want to make sure there are no gaps in coverage for those who need it the most—retired Americans who have a health history and can't find affordable health insurance. So before we jump at the notion of increasing the eligibility age for Medicare, let's make certain there are insurance exchanges, good competition, and affordable health care available for those seniors. That should be part of the conversation about this entitlement reform.

Let's get to entitlement reform, but let's start where we should. Let's bring in the revenue and taxes needed for deficit reduction. That is the President's plan. We sent a bipartisan bill to the House—a bill passed in the Senate—to protect every American family making $250,000 or less so that they have no increase in their income taxes on January 1 after the cliff. It is in the hands of the Speaker of the House. He could call it today. He could pass it today. I hope he will. That is what the President is asking.

What we are also saying is those who have lived the American dream, have been successful and blessed with wealth and a good position in America, should be willing to give a little more in taxes so another generation would have a chance to attain that American dream. Asking those in the highest income categories to pay a little bit more to reduce our deficit is not unreasonable. It is the President's starting position, and should be, before we get into serious discussion about deficit reductions over the long period.

I will now yield to my colleagues and thank them for their leadership. I will say, as a way of introduction, what the Republican Senate leader failed to mention, which that in the last 6 years we have had no fewer than 386 filibusters on the floor of the Senate. Senator MCCONNELL, as their leader, has led us into more filibusters than ever in the history of the Senate. That is why most people who tune in to C–SPAN and look at the Senate floor say: Where are the Senators? Why aren't they here working? We have been stuck in Republican filibusters to a record level.

What my colleagues are addressing is a way to avoid that in a sensible manner which could apply to either party in the majority or the minority.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

SENATE RULES CHANGES

Mr. MERKLEY. Madam President, I am pleased to be here with my colleague from New Mexico, Senator TOM UDALL, to talk a little about the issue of how this body, which was once considered the world's premier deliberative body, can actually discuss and decide things in this modern era—a modern era that has seen unlimited paralysis, with huge hurdles placed in the way of addressing the large issues facing America.

The last couple of days we have heard a lot of passionate terms—terms such as power grab and suppression of minority rights, broken promises or abuse of the rules. I must say all of those allegations create a smoke screen designed to take away from thoughtful conversation about a broken system, about the dysfunction of the Senate. So let's take a step back and recognize that the goal of this discussion about rules is to simply enhance or restore the ability of this body to deliberate and decide issues.

Perhaps during the time we have the honor to serve in this body we will be able to once again claim that we are the world's greatest deliberative body. The conversation often starts with the Constitution and about the design of this body as being the cooling saucer, as President Washington was alleged to have claimed. And, indeed, the early debate over this body did say let's take a longer term for Senators—6 years rather than 2—so they are more insulated from the public debate. Let's have the indirect election of Senators. States used to have a legislative process to decide who would represent them in the Senate rather than direct election. Let's do that so there is a little more insulation for Senators to be able to thoughtfully consider issues, whereas the House might be a little rash.

But, colleagues, there is a huge difference between being a cooling saucer and a deep freeze. Indeed, we have become a deep freeze.

Let's take a look at this first chart. This chart essentially shows the rise in the number of cloture motions. If you can't see the details, what you can see is the trend of this great soaring number. I think what captures attention is that during the 6 years Lyndon Johnson was majority leader in this body he had to file just one cloture motion—just one—in order to get to a final simple majority vote.

During the 6 years that Senate Majority Leader REID has presided here we have had 386 filibusters. Realizing that each one can consume a week of the Senate's time, we quickly see the paralysis that has invaded this body.

When Members talk about the frustration of not getting to appropriations bills and how few of them we have considered and debated, we know why. It is because of the incessant, day-in-and-day-out filibusters launched by members of the minority. This must be addressed.

I first came to the Senate to observe this Chamber in 1976. I was an intern for Senator Hatfield. I sat in the staff gallery and covered the debate that summer over the Tax Reform Act of 1976. There were no cameras on the Senate floor, no e-mail, so I would run down and meet Senator Hatfield outside of the elevators and brief him on each amendment. I watched as every hour or hour and a half an amendment was brought up, it was debated in this body, and it was voted on. There was no filibuster of a motion to proceed. There was no filibuster of amendments. There was no 3-week deep freeze during the negotiation of what amendments would come up because it was understood we were here as a majority body to debate issues.

The filibuster would be a rare exception, occurring once or twice in one's career, when someone would stand and say: There is a principle so profound at stake, an interest of such concern to me personally, to the Nation, or to citizens of my own State that I am going to break and interfere with the majority decision and hold this floor and make my case before the people. But that is not what we have now. So there are various ideas being put forward on how we can restore the filibuster as something that happens in front of this Chamber, in front of the public; that there is accountability and transparency that facilitates debate. Rather than throwing accusations about abuses of power, let's just have a thoughtful debate about how to make this Chamber work.

One question is whether we should have filibusters on the motion to proceed. I have a little chart that shows what has happened. It used to be unheard of that the motion to proceed was filibustered. In the time period between about 1930 and 1970 the motion to proceed was only filibustered 12 times or roughly once every 3 to 4 years.

What we have here is 57 filibusters in 2007–2008 of just the motion to proceed. In other words, we see this growing trend of trying to paralyze the Senate from even getting to a debate on an issue. This makes no sense because whatever one is filibustering at the front end one can do at the back end. So we need to consider the possibility of saying, no, this does not enhance debate.

Filibustering to prevent the Senate from debating cannot possibly enhance debate. So we need to be thoughtful about whether we continue this change, this change that has emerged since 1970.

We need to look at the problem of motions being filibustered going to conference committee. A conference committee is a chance to negotiate with the House on a bill that has been passed by both bodies. Why should we possibly obstruct a bill from getting to conference committee? Yet we rarely have a conference committee now because of the routine threat to filibuster the motions necessary to get to conference committee. Yes, we should still be able to debate and filibuster what comes back from conference committee. Absolutely. But to prevent negotiations—again, that doesn't seem reasonable in any frame other than to paralyze this body, which is paralysis not about debate, it is about preventing debate.

I put forward the notion of the talking filibuster. That is simply to say that the American people believe that if you are going to object to a simple majority vote and say there should be more debate, then there should be more debate—more debate on this Chamber floor. So I am proposing that after cloture, when you have a majority but not a supermajority, that Members be required to actually debate. I can tell my colleagues that the public reaction to this is so strongly in the affirmative. And there are other ideas being put forward that merit thoughtful consideration.

Today the minority leader said the test should be whether you feel as though a proposal would work when you place yourself in the minority. Both Senator UDALL and I have expressed that very position from the beginning of this conversation 2½ years ago, that whatever we support on this floor needs to be something we would accept in the minority, and that means it enhances debate and dialog without crushing in any way the right of the minority to be heard.

Madam President, at this moment I yield the floor for my colleague from New Mexico, who has done a spectacular job at framing that we have a responsibility to American citizens to enable this Chamber to work and that we have an opportunity at the start of every 2 years to have a thoughtful and considerate debate on how to fulfill that responsibility.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the remaining time on the Democratic side be equally divided between Senator MURRAY and me.

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

Mr. UDALL of New Mexico. Madam President, I say to Senator MERKLEY, who has been a good friend and partner on this issue of filibuster reform, I couldn't agree more with his comments and with the kinds of things he has been talking about: commonsense proposals to make the Senate work.

What Senator MERKLEY and I have been talking about is the way we can have the Senate do the work of the American people. We just went through an election. We know our States are hurting. People want to create jobs. They want us to deal with health care costs and make sure there is quality health care. On education reform, we haven't even reauthorized the No Child Left Behind Act or dealt with education. So all of those issues are front and center. As we know, the last couple of years, because of the filibuster and because of the delay and because of the obstruction we have had go on, we haven't been able to get to those issues. And I think Senator MERKLEY has experienced what I have when we have talked to our friends on the Republican side—they agree it is not working.

Really what we are trying to do is come up with commonsense proposals such as the Senator has talked about to make the Senate work. The first one is very simple. It is to make sure that the motion to proceed to a bill will not be debatable. We are talking about not allowing filibusters on the motion to proceed because, as we have seen on the chart here, we are in a situation where we now cannot even get on the bills. So this is a commonsense proposal.

One of the other areas we are trying to address deals with conference committees. There are three debatable motions—three motions that can be filibustered to get us into the conference committee. We have not gone to conference as a result, and so we don't resolve differences between the House and the Senate—another important area we could reform and really make the process work much better.

The final one is one Senator MERKLEY and I have worked on. Senator Specter, a Republican who at the very end of his career became a Democrat, talked about it as the talking filibuster. He said: If you are going to object, if you are going to slow down the Senate and prevent the Senate from doing anything, you should have to come down here and talk about it. That is really the essence of what we are trying to do—shift the burden onto the people who are obstructing to say: Come down here and talk about it. And as Senator MERKLEY has said several times, it could be that what you talk about, you become a hero or you become a bum in the eyes of the American people. But the reality is that the Senate is deliberating, the Senate is doing its work, the Senate is engaging—we are engaging each other and having a debate about those particular issues.

I think these are commonsense proposals, and the minority should understand that we have thought through these proposals in such a way that if we were in the minority, we could live with them. That is the crucial fact here. We are not trying to ram something through that we couldn't live with in the minority. I believe this place can work a lot better and we can do a better job if we just work with each other and try to come up with rules and not abuse the rules.

My colleague and our leader, Senator MURRAY, has joined us. Senator DURBIN was here earlier. I know the time has been equally divided. It was shortened a little bit with Senator DURBIN's talk at the beginning of our half hour. At this time, I yield for Senator MURRAY's remarks.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank my colleagues.

We have been hearing a lot recently about the inability of our Nation's elected officials to come together on a balanced and bipartisan budget deal. Here in Washington, DC, this issue is often viewed through the prism of partisanship and political point-scoring.

The conversations and the coverage are very focused on the moment that we are in—this debate, the next few weeks, the next year—but for families who are sitting around their tables and in communities across America, this issue is about a lot more than that. It is about their lives and their futures. It is about tough questions too many of them have to ask themselves every day: Will they be able to afford to stay in their homes? Will they get the support they need to get skills and get back on a job? Are they going to be able to send their kids to college or go to the doctor when they get sick? Is Medicare going to be there for their parents or for them or for their children? Are their taxes going to go up next year?

Those are the questions they are asking, and they want their elected officials to come together around real answers and real solutions and smart policies that work for families like theirs.

These are the people I am fighting for as we work toward a balanced and bipartisan deal in this lameduck session of Congress. Those are the questions I feel very strongly we need to be answering. That is why I am absolutely focused on making sure any deal we make over the next few weeks works for middle-class families and for our seniors and for our country, and that is why I have been very clear that I will not sign on to a deal that throws the burden of deficit reduction right on to the backs of families and communities who have already sacrificed so much.

As cochair of the Joint Select Committee on Deficit Reduction last year, I made it very clear: Democrats were willing to compromise, we were willing to make some tough concessions, but only in the context of a balanced and fair deal that called on the wealthy to pay their fair share as well. As we all know, Republicans didn't just refuse to meet us halfway then, they wouldn't even step out of their corner. They insisted that seniors and the middle class feel all of the pain in that deal and that the wealthiest Americans—millionaires and billionaires—be protected

from paying a single penny more in taxes.

Democrats rejected that deeply unfair approach, and we decided to keep fighting for the middle class rather than roll over and let Republicans lock in new giveaways to the rich and major cuts to programs on which our families depend. And then we made our case to the American people. We built our campaigns from the top to the bottom around the idea that budgets need to work for our middle class and that the wealthy need to pay their fair share. The Republican approach—the Ryan budget plan—was literally on the ballot, and Romney and Ryan and other Republicans were not shy about telling the American people they didn't think the rich should pay a penny more in taxes in this deal. Well, not only did Democrats win races across the country, but in exit polling it was clear that the vast majority of Americans supported our approach to deficit reduction—a balanced approach, an approach that cuts spending responsibly but also calls on the wealthy to pay their fair share. Voters spoke pretty clearly in this election, and they stood behind Democrats to fight for a budget deal that works for the middle class.

We are hearing encouraging words from some of our Republican colleagues who have indicated a willingness to put revenue on the table and to break the stranglehold DC lobbyist Grover Norquist has on the modern Republican Party. One of my Republican Senate colleagues said Republicans should ''put revenue on the table . . . We don't generate enough revenue.'' And he said he would not be beholden to the Norquist pledge.

Another has said:

> The world has changed. And the economic situation is different. Ronald Reagan and Tip O'Neill realized that in the 1980s. I think everything should be on the table.

Another said:

> I'm not obligated on the pledge . . . The only thing I'm honoring is the oath that I take when I'm sworn in in January.

Another Republican Senator recently said:

> I care more about my country than I do about a 20-year-old pledge. If we do it his way, then we'll continue in debt.

Of course, Grover Norquist is fighting back. He called those statements by my Republican colleagues impure thoughts; he called one of them a weasel. He is used to blind allegiance from the Republican Party, and he is not going to take this lying down. But I am hopeful that more and more Republicans will break away from Grover Norquist and that they will actually follow up on their new rhetoric with a genuine willingness to help us call on the wealthy to pay their fair share. And it should be easy for them because the Senate actually has already passed a bill to do that and in a way that works for our middle class. The Senate passed a bill that would extend the tax cuts for 98 percent of our workers and 97 percent of small business owners and just let the tax cuts for the wealthiest Americans expire as scheduled. We have sent that bill over to the House now. The President said he would sign it. All House Republicans have to do is pass that bill, and a significant chunk of the fiscal cliff will disappear for the middle class. When that is done, we will then continue the serious conversation we need to have about our country's budget future.

But there is no reason middle-class families should have to go into the holidays not knowing if their taxes are going to go up. Democrats and Republicans both agree that the middle class should have their tax cuts extended. So there is no reason the House should continue holding that bill and the middle class hostage.

By the way, one conservative Republican in the House agrees. Representative TOM COLE of Oklahoma told his colleagues and reporters yesterday: ''The first thing I'd do is make sure we don't raise taxes on 98 percent of the American people.'' He said that was ''the right thing to do'' and that ''where there is common ground . . . we should seize that common ground.'' I applaud Representative COLE for that commonsense and brave position. I am hopeful that he can persuade other Republicans to do the right thing for our families, small business owners, and communities across the country who have so much at stake and who are looking to us to solve this problem. I am hopeful they will join Senate Democrats and pass that middle-class tax cut, and I am confident that once we move forward on that bill, then both sides will sit down and listen to the American people, allow the wealthy to pay more, and then focus on the questions families are asking about—our budgets, our priorities, our fiscal health, and the future of the Nation.

Madam President, I yield the floor.

THE FISCAL CLIFF

Mr. BARRASSO. Madam President, I rise today to talk about the fiscal cliff this country is facing and is coming upon us on January 1. As my colleagues have been pointing out, Congress must act soon to take on the numerous expiring tax provisions in the sequester. I believe President Obama needs to supply the leadership in those efforts. If he does not, we know taxes are going to go up on all Americans; we know the economy is going to be thrown back into a recession; and we know unemployment will return to even higher rates than we have right now.

Our recovery from the last recession has been far too sluggish. We see that all across the country. It has left too many Americans still out of work. Today our economy has created 9 million fewer jobs than we were promised under the President's own stimulus plan. Our economy has rebounded far more slowly than it did following previous recessions. As a nation we simply cannot afford another recession right now.

It would be especially tragic if there were a recession caused by a failure of leadership coming out of the White House. That is what we are trying to avoid, and we have a very limited amount of time to do it.

As chairman of the Republican policy committee, we have come out with a policy paper called ''On the Fiscal Cliff, Entitlement Reform Is Key'' because what we see is that no amount of tax revenue will fix entitlement spending when we look at the history of the United States. Over the last 40 years the average amount of tax revenue was a little over 18 percent of the gross national product. The highest ever was a little over 20 percent of the gross national product. Yet when we take a look at the tidal waves coming at us of Social Security and Medicare, unless we deal with those two tidal waves we are going to significantly have problems long term, and that message to the markets is going to be one that is quite destabilizing.

Tax increases do not solve the spending problem. If we do what the President requests, which is raising tax rates on people with over $200,000 a year of income, in terms of spending for next year that would pay for about 6.8 days. If we did it at the other level of over $1 million of income as some suggested, it would only pay for 4 days of spending.

I am very concerned about what I call the fiscal cliff. Yesterday, Politico reported that some Democrats want to call it the fiscal slope. It is time for Democrats in Washington to stop searching for better sound bites and start looking for solutions.

President Obama has said repeatedly that he wants to take a balanced approach. This balanced approach should govern how we deal with other issues as well and how Democrats work with Republicans in the Senate. Given the challenges we face, it is unfortunate that some of the President's closest allies in the Senate are for pushing the exact opposite approach.

RULES CHANGES

The majority leader and some members of his party have now proposed what would be an unprecedented power grab that will forever change this Chamber's rules. It will make it easier for the political majority to silence those who disagree with them and even harder to find common ground. I am speaking, of course, about the Democratic plan to change the rules of the Senate to drastically limit the use of the filibuster.

I believe the majority leader would take a dangerous step toward abolishing the rights of the political minority and restricting the right to free and open debate. They seem to want to break the rules to change the rules, and I believe it is fundamentally wrong to break the rules in order to change the rules. This would be a terrible mistake and a irresponsible abuse of power. The rules of the Senate ensure a balanced approach to debating important matters such as the fiscal crisis.

Among these rules, filibuster is critically important.

The filibuster was created so that competing groups of Senators would actually have to work together to find responsible solutions—not solutions based on one political ideology or the other.

Back when he was a Senator, President Obama understood the need for rules to protect the rights of political minorities. In 2005, then-Senator Obama said:

> If the majority chooses to end the filibuster—if they choose to change the rules and put an end to democratic debate—then the fighting and bitterness and the gridlock will only get worse.

Another former Senator was Vice President BIDEN, currently the President of the Senate. He agreed. He said:

> At its core, the filibuster is not about stopping a nominee or a bill, it is about compromise and moderation.

At the time, in 2005, some Republicans wanted to vote on well-qualified judges despite Democrats' insistence not to. They believed we needed to change the Senate rules to get these votes. Back then, Democrats called this the nuclear option. That is because of the damage it would do to the balance and compromise in Washington. Today some of those same Democratic Senators are preparing to use this nuclear option themselves.

Anytime one party or group is frustrated with the Senate's inefficiency, there are always calls to change the rules. The frustration is natural, but it is also intentional. Our Nation's Founding Fathers purposely made the pace of the Senate deliberate. They wanted to make sure there was free debate on important subjects. That is what has happened now for more than 200 years.

Way back in 1789, the very first session of the first Congress, Senators used the rules to slow down one of the first votes this body ever took. Naturally, there were complaints at the time about the delay. The father of our Constitution, James Madison, explained the importance of the rules that allowed the brakes to be applied to policymaking. He wrote:

> If angels were to govern men, neither external nor internal controls on government would be necessary.

Angels have always been in very short supply in Washington, so voters must keep an eye on government officials and hold them responsible. Those officials must also keep close watch on each other. At times they must be able to stop each other from doing harm.

Restricting the right to debate would seriously undermine the ability of Senators to keep that watchful eye. It will lead to more bickering, more bad blood, and more bills being written by one party behind closed doors. There will be less transparency, less consideration of the unintended consequences in bills and less open discussion for the American people to see.

The filibuster is not just about stopping bad ideas. More often it is about amending bills to make them better. It is about taking the time to have the reasoned discussion that the Founders knew we should be having. It is about maintaining the balanced approach the President is calling for in these important talks on the fiscal cliff. It is about giving members of the minority and the people they represent a chance to offer their solutions.

Instead of allowing that measured approach the Founders intended, what we are seeing is the majority leader has already done an awful lot to limit debate. He has already restricted the rights of minority Senators and the people they represent. He has bypassed committees at an extraordinary pace, and he has made unprecedented use of the parliamentary trick known as filling the tree.

Senator REID has filled this amendment tree 67 times since he has been majority leader. That is more than twice as often as the four previous majority leaders combined. Now the majority leader wants to cut off debate and abolish the filibuster. He wants to change the rules by breaking the rules. He would set the precedent that just 51 Senators could band together to change any rule of the Senate at any time. Currently, it takes 67 votes to change the rules of the Senate. In January it might be filibusters on motions to proceed. Then when the majority gets impatient on something else, it might change the rules again.

President Obama recognized in 2005 the damage that this kind of chipping away at minority rights would do to prospects for compromise. If Senate Democrats succeed now, they will destroy, for temporary political gain, any hope of achieving a truly balanced solution to the challenges we face as a nation.

Our political system functions on majority rule but with strong minority rights. That is true when the minority is outvoted 51 to 49 or 99 to 1. Democracy is not winner-take-all. The right to debate is not a luxury for the majority to hand out. It is essential to our system of government. Majorities are temporary. Being forced to listen to someone give an opinion you disagree with can be exasperating, but as a country it does us more good than harm.

Way, way back, John Adams wrote on the need for minorities to have the ability to stop the majority in the legislature. He said:

> Every Member must possess it, or he can never be secure that himself and his constituents shall not be sacrificed by all the rest.

That was centuries ago. Sixteen years ago, Senator Robert Byrd spoke to the newly elected Members of the Senate about the history of this body. He said:

> As long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will be secure.

Through his excessive use of filling the tree, the current majority leader has gone a long way toward gutting the power to amend. The proposals he has now made to do away with the power of unlimited debate would do even greater harm to the liberties of the people. Many Senators here today were not around 16 years ago to hear that speech by Senator Byrd, but I hope all of us on both sides of the aisle take his warning to heart.

If Members on the other side of the aisle are frustrated with how the Senate is being run, look at how the majority leader has set the calendar and cut off amendments. Don't take this terrible and irresponsible step. We are not only arguing about the rights of the Senators to speak, we are not just talking about maintaining rules for their own sake, or even the terrible precedent that would be set under the proposal of the majority leader. We are talking about the rights of the people we represent, the right to be heard in the Senate.

The Senators who are so eager to change our rules by breaking the rules should not be so eager to take away the rights of the American people whom those rules were designed to protect. The cost is simply too high. We have too much important work to do in the Senate. We should be focused on doing all we can to avoid the fiscal cliff, to grow our economy, and to create the jobs the American people need and deserve.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. I want to echo the words of my colleague from Wyoming with regard to the whole issue of the Senate rules. I come from the House of Representatives. I came to the Senate having first served in the House of Representatives, three terms there. The House of Representatives, of course, is very structured. There is a Rules Committee. If someone wants to get an amendment considered, debated, voted on in the House of Representatives, there is a process. They have to go plead their case to the Rules Committee.

The Rules Committee can decide, no, we are not going to allow that amendment to be considered; we are not going to allow that amendment to be debated. They can decide which amendments are offered in what order and how much time is allowed on each amendment. It is a very structured process in the House of Representatives, but it makes it very difficult for an individual Member to be able to have their voice heard in the House of Representatives.

That is the way it works. I had the luxury, I guess, while I was serving there of being in the majority. But even in the majority a lot of times I could take what I thought was a very worthwhile amendment, reflective of the views of the people who sent me there to represent them, and they could shoot it down. I never got a chance to have that amendment debated or voted on.

That is what is distinctive about the Senate. That is what the Founders intended with the Senate—to allow for open debate, to allow individual Members to come down to represent their constituencies and to debate the big issues of the day in a way that is different and distinct from the House of Representatives.

I think what many of my colleagues who are proposing this rules change want to see happen is they want to see the Senate function more like the House. It was not designed to. This is a very different place. It was designed to be a very different place where we have debate, where we have votes on amendments, where individual Members have an opportunity—particularly members of the minority in the Senate—have an opportunity to have their voices heard and the voices of their constituents heard.

So this is an unprecedented power grab by the majority. What the majority leader is proposing is essentially to break the rules to change the rules. That will be a legacy, if he is successful, that he will have to live with because he will change the way that this institution has functioned for so long. If we think about how this ought to be done, there is a process by which rules changes can be considered in the Senate, and it starts with the leaders consulting and talking about whether some of those changes ought to be put in place, whether those are appropriate, and then getting the necessary two-thirds vote that is required under the rules of the Senate to change the rules.

The Senate is a very different place from the House of Representatives. What we do ought to reflect that. We should not have these power grabs and attempts to violate the rules of the Senate in order to change the rules in a way that is completely inconsistent with the history and the tradition in the Senate. What the Founders intended when they created the Senate, distinct and separate from the House of Representatives, was to allow for debate and votes on amendments.

I hope the majority leader and members of his party will see clearly to do the right thing and to go about this in the right way; that is, for the leaders to consult, and if there is a need for changes in the rules or modifications, let's do it in the way it has always been done, not by breaking the rules or changing the rules.

FISCAL CLIFF

Madam President, I wish to speak as well to the issue that was raised by my colleague from Wyoming; that is, the fiscal cliff. We are on the threshold of something that could be very harmful to the economy of this country, very harmful to jobs. If we go over the fiscal cliff, the experts are telling us—and by the experts I mean not only private economists but the CBO and others in Washington, DC, who analyze and study such things—that we could plunge the country into another recession, we could see unemployment go above 9 percent if tax rates go up and a sequester is triggered a little more than 1 month from now. Longer term, we place unsustainable fiscal imbalances largely because of entitlement programs that have not been reformed in a way that aligns our current demographics with the needs of these programs.

Entitlement spending is the largest driver of our national debt over the long term. Those who argue that we can dig our way out of more than $16 trillion in debt simply by raising taxes are ignoring reality. We have to do something to address what is our real problem in Washington, DC; that is, the spending problem, not the revenue problem. While it is true Federal revenue has declined over the past few years, it is due to the great recession, not because tax rates are too low. The average ratio of Federal revenue to GDP over the past 40 years has been about 18 percent. According to the Congressional Budget Office most recent forecast, under the current tax rates—the tax rates in place today—revenues from 2013 to 2022, the next decade, would average roughly 18 percent of GDP.

So let's be clear about exactly what the CBO is saying. The CBO is telling us Federal revenues will return to the historical average over the next 10 years without raising taxes on anyone. We are going to get back to the historical average. In fact, according to the CBO, under the current tax rates, revenues as a percentage of GDP will reach 18.6 percent by 2022, and that is more than one-half of a percent higher than the historical average.

Clearly, any deal to address our fiscal situation should be first and foremost about spending, not taxes. Our spending problem is exemplified by the past few years in particular. If we go back to the fiscal year 2007, before the recession, total Federal revenue was roughly $2.5 trillion and total Federal spending was approximately $2.7 trillion. So $2.5 trillion in revenue and $2.7 trillion in spending, so we were still running a deficit of about $200 billion a year. For fiscal year 2012, which recently ended, total Federal revenue was $2.45 trillion, basically back to the prerecession levels, but total Federal spending was above $3.5 trillion. So what happened. Tax revenue is back to where it was before the recession, but Federal spending is now $800 billion—almost $1 trillion—higher than it was just 5 years ago in fiscal year 2007. It is no wonder that Federal spending and our national debt will continue to grow for the foreseeable future.

According to the CBO, mandatory spending, which comprised about 60 percent of total Federal spending in fiscal year 2012, is going to continue to grow, and if we look at what is driving that, it is Medicare, Medicaid, and Social Security. Those programs alone represent over 40 percent of Federal spending currently. Spending on these programs is projected to grow at an unsustainable rate and we cannot simply raise taxes to pay for all this new spending. That is the problem. We have a spending problem in Washington, DC, and not a taxing problem.

We have to make significant changes in these programs to make our Federal entitlements sustainable and in line with today's demographics, and we need Democrats to join us in that effort.

To put a fine point on all that, I wish to mention what the nonpartisan Congressional Budget Office report, which was issued on November 12 of this year—just a couple weeks ago—said: ''With the population aging and health care costs per person likely to keep growing faster than the economy, the United States cannot sustain the Federal spending programs that are now in place. . . .''

That is from the Congressional Budget Office.

The President's own fiscal commission, the Simpson-Bowles Commission, noted in its official report: ''Federal health care spending represents our single largest fiscal challenge over the long run.''

Earlier this month, the Washington Post editorial board said, ''Entitlement reform must be on the table.''

Of the debt reduction plan, the Post editorial board went on to say, ''No serious plan can exclude entitlements.''

So we have experts inside and outside the government, we have the editorial boards of newspapers around this country, all recognizing what the real issue is; that is, the fact that Washington spends too much and it spends too much on programs that are unsustainable for our future.

What we have to be able to do is to come up with ways in which we can reform these programs to make them more sustainable. Of course, if we look at Medicare spending alone, in 1967, it was proposed that by 1990 Medicare would spend about $12 billion. That is what the Congress projected when they created that program in 1967. That calculation, by the way, included inflation. If we look at actual Medicare spending in 1990, it was $110 billion—almost 10 times the amount that was estimated in 1967. This year, we will spend $550 billion on Medicare. Ten years from now, the Congressional Budget Office projects we will spend $1.1 trillion on Medicare.

With regard to Social Security, for the past 2 years, this program has been operating at a cash deficit. If we look at the next 75 years, benefits promised to current and future beneficiaries exceed payroll tax revenue and trust fund redemptions by $8.6 trillion. The present course of Social Security is unsustainable, and the trustees report projects that the trust fund is going to be exhausted by the year 2033.

In order to protect Social Security for future generations, it, too, must be reformed. We have to take on what is driving Federal spending and that is

entitlement programs. We have to reform them. Raising taxes is not the solution.

The President's only proposal so far is to raise taxes on small businesses to generate this next year what would be $68 billion in revenue which, by raising the two top tax rates in the process, would hit nearly 1 million small businesses. What is ironic about that is raising taxes on the small businesses that create jobs in this country and that grow our economy—actually raising taxes on them to generate $68 billion would fund the government a little under 1 week. That is what we are talking about. The dimensions of this problem are so vast we cannot solve them simply by raising taxes and particularly raising taxes on the very people we are looking to—small businesses. Raising taxes on small businesses would do harm to the economy. We would give back everything we get in the form of higher tax revenue by reduced economic growth. We have to deal with the fundamental problem we have; that is, entitlements.

I hope my colleagues on the other side will work with us. I hope the President will work with us. The President knows what the problems are, but he has folks all across the country who are putting pressure on him to not deal with the issue of entitlement reform. But I hope he will come to the table and address this issue. We have a spending problem and we have a growth problem. If we can address the spending problem, get entitlement program reform on a sustainable path. If we can get progrowth tax reform put in place to grow the economy and expand the economy, we can solve these problems. People across this country expect us to. The world expects us to. The financial markets expect us to. It can't be done simply by raising taxes on small businesses which so far is all we have gotten from the administration and from many of the Democrats in Congress.

We have to fix the spending problem and the growth problem. We have a solution to do that. We hope our colleagues will work with us to do that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

WORKING TOGETHER

Mr. HELLER. Madam President, one of the most visible expressions of the strength and resilience of our democracy is the moment when the incoming President stands on the steps of the Capitol, lays his hand on the Bible, and takes the oath of office. In that moment, America undergoes a peaceful transition of power that so many countries can only hope for or, as in this year, the President will smoothly resume his duty for another 4 years.

As we anticipate this remarkable moment in just a few short weeks, we are reminded of the ability of the American people to come together, even after long and challenging campaigns. I will watch the inauguration and remember my own difficult campaign. As we reflect on this past year, we are all reminded that this President, the House, and the Senate have not been given any mandate by the American people. For proof, look no further than the close margin of victories and the wide disparity in the ideology between the two parties. The only mandate is for Republicans and Democrats to work together.

What we saw during this election was an American electorate frustrated by gridlock in Washington and a Congress that does not get enough done for the American people. Our Nation has endured a brutal campaign season of attack ads and partisan sniping. The ads are now off the air, the campaign offices are cleaned out, and now we face some very difficult decisions. Right now, Congress must find a way to steer our Nation away from this fiscal cliff. We must move forward knowing that the only way to build a better, stronger nation is by working together and finding solutions on which both Republicans and Democrats can agree. Any solution to the impending fiscal cliff must be a bipartisan effort that fairly weighs the concerns of both parties. We must find a way to come together right now. The severe spending cuts and looming tax increases require it.

Nevada is already struggling to overcome the highest rates of unemployment, foreclosures, and bankruptcies in the Nation. The threat of this fiscal cliff and any failure to find a solution would have a real and negative impact on the recovery of my State. In the days following the election, I received phone calls from job creators in Nevada concerned about this fiscal cliff. These business owners told me this fiscal cliff would be too much for Nevada. Their employees are already bearing the brunt of Congress's inaction. Find a solution, they told me, and cut a deal. The devastating effect this fiscal cliff would have on Nevada's small businesses would simply be too much for their businesses and the small business sector in Nevada to handle.

There are a number of issues Republicans and Democrats can work together on to address immediately. First, we must stop living by a temporary Tax Code. Right now, there is no certainty for a small businessman or woman to grow or start a new endeavor. These men and women need to know how to plan for the future so they can invest in new equipment, new buildings, and more employees.

Second, we need fundamental tax reform. As with many small businesses across this country, businesses want nothing more than to grow, hire more people, and pass on a legacy to their children and grandchildren that shows with hard work and dedication, anything is possible in America. As I have often said, our current Tax Code is too costly, too complex, and too burdensome. There is no question the Tax Code is unfair and needs an overhaul. Our Nation is long past due for an honest discussion about how to transform our Tax Code into one that encourages job growth and one that doesn't hinder it.

Third, we need to put a stop to the ever-increasing number of regulations. Instead of encouraging businesses to develop and grow, Washington has increased their burden with miles and miles of regulatory redtape, passed a health care law that is costing jobs, and continues with a top-down, Washington-knows-best mentality that has led to an anemic economy.

While I do not believe sequestration is the answer, Congress must engage in honest debate on spending reform to right our Nation's fiscal situation. Nevadans and all Americans deserve a federal government that is more efficient and more effective. Washington cannot continue to spend money we don't have and place our Nation in deeper debt and threatening future opportunity for our children and grandchildren.

Divisive partisan politics does a great disservice to every American. Far too many Nevadans are forced to stay up late at night wondering how they are going to make their mortgage payment, send their children to college or feed their family. While people across our country are struggling to get by, Congress has a responsibility to prioritize the people over the party and find a way to avoid this looming crisis and get our economy back on track.

These next few weeks are absolutely critical for the health of our country. Similar to that moment when the President takes office, how we work together to reach across the aisle and find bipartisan solutions is a testament that our democracy—the greatest democracy in the world—is alive and well.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. HELLER. Madam President, I ask unanimous consent to speak as in morning business for an additional 2 minutes.

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

Mr. HELLER. I thank the Acting President pro tempore.

As I was mentioning, like that moment when the President takes office, how we work together to reach across the aisle and find bipartisan solutions is a testament that our democracy—the greatest democracy in the world—is alive and well. Let's not squander this opportunity to place our Nation on a path to greater economic prosperity.

The American people have children to raise, mortgages to pay, businesses to grow, and new discoveries to make. It is time for Congress to come together to make the tough decisions necessary so that Americans can get back to work and create a brighter future for generations to come.

Madam President, thank you very much. I yield back the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, what is the matter now before the Senate?

The ACTING PRESIDENT pro tempore. The motion to proceed to S. 3254.

Mr. REID. Is there further debate on this matter?

The ACTING PRESIDENT pro tempore. Is there further debate on the motion to proceed?

If not, the question is on agreeing to the motion.

The motion was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3254) to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2985

Mr. REID. Madam President, on behalf of Senator UDALL of Colorado, I call up amendment No. 2985.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. UDALL of Colorado, for himself, Mrs. MURRAY, Mrs. SHAHEEN, and Mr. BINGAMAN, proposes an amendment numbered 2985.

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

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

The amendment is as follows:

(Purpose: To strike section 313, relating to a limitation on the availability of funds for the procurement of alternative fuel)

Strike section 313.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, I want to describe to the Senate what we just did. It is a little different from what we sometimes do around here, which is we have long threats of filibusters on motions to proceed; then, we, finally, often or sometimes reach unanimous consent agreements to proceed. What we did here—and it was very deliberate—was to proceed by motion, not by unanimous consent, to this bill so that if persons were going to filibuster the motion to proceed, they were then going to have to come to the floor and debate it—not just simply threaten to filibuster the motion to proceed, but they would have to come and actually debate it. Because I believe that is the correct way for us to operate.

Motions to proceed, I believe, have been abused. The threats to filibuster those motions have been allowed to be successful. One way we can overcome what has been a bad habit of allowing threats to filibuster motions to proceed to succeed is to basically tell those folks, our colleagues, that if they want to filibuster a motion to proceed—in this case, the Defense authorization bill—they are going to have to come over and filibuster.

This is something which is significant. It may sound like a nuance to many. I think it probably would to most outside this body and our staffs as to what I am saying. But it is important to those of us who are trying hard to get this body to be more functional that we use the existing rules—and I am all in favor of rules changes, by the way—but that we use in the meantime the existing rules to get this body more functional than it is right now. And one of those existing rules is the one we just used, which is to proceed by a motion to proceed, and then to indicate, as our leader just did, there appears to be no one who wishes to be recognized to debate it, and then for the Chair to put the question, the Presiding Officer to then put the question to the body: All those in favor of the motion say ''aye,'' all those opposed say ''nay.'' The ayes have it, and now we are on the bill.

So, Madam President, I have a long opening statement. I will, however, with the assistance here of my friend, Senator MCCAIN, also make the following statement. There is no cloture motion which is filed or pending. We hope we can adopt this bill without a cloture motion. We are hopeful that people who have amendments will bring them over. We will try to dispose of them, either by saying we could agree to them or we cannot agree and putting them in line for debate; but proceeding in a way that if folks, colleagues, have amendments, they bring over those amendments and let us try to work those amendments through this process without having to go through cloture and without having to set aside pending amendments in order to make other amendments pending.

If we can proceed without a cloture motion, we are not going to have to use that process of setting aside pending amendments, making other amendments pending, because if we can avoid a cloture motion, we are not going to have a postcloture period where that pendency of amendments becomes relevant. If we are not going to need to go to a cloture, then it is not relevant that an amendment is made pending because the bill is open to amendment. That is what we are hoping to do.

We are willing to stay here late hours. Senator MCCAIN and I have spent a lot of time talking about this—we spent a lot of time getting this bill to the floor, by the way; and it came out of our committee unanimously—but we spent a lot of time talking about how do we get this bill done in 3 days because that is what we told the majority leader we think we can do. By the way, that is all the time we are going to have. The majority leader has made it clear we do not have more than 3 days.

We want colleagues, Senators, who have amendments to bring those amendments to us. We will try, if we cannot resolve them, to put them in packages. If they need to be debated and voted on, that is fine. That is what we are here for. We are going to then try to line up those amendments so that we will go back and forth to the extent we can between Democrats and Republicans offering amendments and voting on those amendments.

So, therefore, I intend to object, in the absence of a cloture motion being filed, to laying aside amendments because, again, in the absence of a cloture motion pending, there is no need to do that and it confuses and complicates the life of the managers of this bill. So I want to make that clear to our colleagues.

I wonder if Senator MCCAIN might have a comment on that.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, could I say, I thank my dear and old friend from Michigan. I was recollecting that he and I have now worked together for over a quarter of a century. But far more important than that, this legislation and how we handle it, I say to all my colleagues, can be a model for how this body should do business: Take up a piece of legislation, have amendments and debate, and move forward. If that requires long hours, and even occasionally a Friday or even more, then I think our colleagues should be prepared to do that. We are not sent here for a 3-day workweek. We are sent here to do the people's business.

I am not proud, Madam President—and I will not point fingers at anybody—it was judged by historians the last session of Congress was the least productive since 1947. Now, maybe Senator LEVIN and I were around in 1947, but we do not remember exactly what happened in those days. But the fact is that when we are looking at basically continuous gridlock, day after day, week after week, month after month, then we have to change the way we do business.

Hanging over all this, I say to my friends on this side of the aisle, is a change in the rules, which could cause what we used to call the nuclear option, which we were able to avoid some years ago when this sort of same thing was contemplated on the confirmation process of judges.

So we are now proceeding, I say to my friend from Michigan, without a motion to proceed, without a cloture vote, without the normal parliamentary back and forth that takes up 2 or 3 days of every week here, and we want people to come to the floor, have amendments—as there is one pending from the Senator from Colorado—we debate it openly and honestly, we have votes on it, and we move forward. If it requires quite a while—because we are talking about this Nation's security, the National Defense Authorization

Act—then we should be willing to spend those hours on it.

So it seems to me, if we can do what the distinguished chairman and I contemplate; that is, that we move forward with the amendments, we have open and honest debate—we will work with any of our Members to try to make sure their issues and their amendments get the consideration they deserve. But we also may have to put in long hours in order to do so. There is no reason to use a parliamentary mechanism to keep us from addressing this Nation's national security. The lives of the men and women who are serving are dependent upon the work we are doing, and for someone—individual Members of this body—to hold up the whole process because of his or her specific issue is not appropriate treatment of this issue.

I urge all my colleagues to cooperate. I believe we can show the entire country that we are capable of moving forward and addressing the issues in a measured, mature, and productive fashion, which is what the American people are demanding of us. I do not need to remind my colleagues of our approval ratings. But there is ample reason for that disapproval because we have not moved forward and done the people's business.

Again, I urge all my colleagues to show the kind of forbearance and the kind of maturity that is necessary in order to complete this legislation.

I would like to take this opportunity to thank my friend from Michigan, Chairman LEVIN, for his leadership in writing this year's Defense authorization bill. We have worked together for many years now, and the chairman has set a high standard of cooperation and bipartisanship that befits the esteemed history of the Senate Armed Services Committee.

I am pleased that we will finally have the opportunity to discuss and debate this crucial piece of bipartisan legislation, which has been on the Senate's calendar for almost 6 months. My colleagues and I have come to the Senate floor numerous times during those months to ask the majority leader to call up the Defense authorization bill. While I had hoped to get started on this bill much earlier, I do appreciate the majority leader's offer to bring up the bill with an open process for dealing with amendments. Unfortunately, here we are, with only a few weeks left in this Congress, just beginning debate on one of the most critical pieces of legislation the Congress annually considers. So I ask my colleagues' cooperation in offering relevant amendments with limited time for debate, so that we may afford all Senators an opportunity to address their ideas and concerns with respect to national defense.

Because of the delay in bringing up this bill, we are considering the Defense authorization bill under the imminent threat of budget sequestration mandated by last year's Budget Control Act. Pentagon leadership has repeatedly warned that these automatic, across-the-board cuts to defense spending, totaling almost half a trillion dollars over the next decade, would devastate the Department's ability to provide for the Nation's defense. Sequestration would undermine the readiness of the armed services; dramatically reduce our ability to project power and defend our interests at a time when the world is becoming more dangerous; jeopardize the livelihood of civilian and uniformed personnel alike; and bring with it the likelihood of hundreds of thousands of layoffs. Furthermore, the way in which these cuts would be applied will likely require that thousands of contracts be terminated and renegotiated at a huge cost to the taxpayer.

It is unconscionable that the President has not come to the Congress with a proposal to avoid the devastation of sequestration, not only on our national security but on our economic security as well. It has been over a year since the Joint Select Committee on Deficit Reduction, or supercommittee, admitted defeat, and the President has shown no leadership and offered no solutions to the impending sequestration. Many of us in this body have been meeting and discussing potential alternatives to sequestration. Sequestration will take effect on January 2, just a short time from now. We need leadership to avoid this disaster and to address the spending and revenue issues that have brought our Nation to the fiscal cliff.

The Fiscal Year 2013 National Defense Authorization Act contains many ''must pass'' authorizations, including a pay raise for our men and women in the Armed Forces, bonuses, health care, and quality of life programs that are essential to the readiness of our Armed Forces and the well-being of their families. The bill helps to address the needs of wounded service members and their families. Military construction and family housing projects cannot proceed without the specific authorizations contained in this bill.

This bill also includes important authorities that support our national security objectives around the world, including an extension of the Afghan Security Forces Fund, a program instrumental to our efforts to build the capacity of the Afghan Army and Police. It also extends the CERP program which provides commanders on the ground with the ability to fund small-scale humanitarian projects that directly benefit the Afghan people, as well as the Coalition Support Funds program which reimburses cooperating nations supporting the effort in Afghanistan. The bill also contains a provision mandating an independent assessment of the size, structure, and capability requirements of the Afghanistan National Security Forces necessary to provide enduring security for their country so it does not revert to a safe haven for international terrorism.

In the area of military compensation, according to the Congressional Budget Office, the President's request for fiscal year 2013 for pay and benefits of current and retired members of the military represents more than one-quarter of DOD's total base budget request. In light of this, the bill would establish a Military Compensation and Retirement Modernization Commission to review these benefits and recommend any future changes necessary to ensure both quality of life and sustainable benefits for those who serve.

In the area of acquisition and contracting, the bill includes provisions that would improve how the Department buys weapons systems and other goods and services by prohibiting the use of cost-type contracts for the production of major weapon systems; requiring the Department to revise its ''profit policy'' to make sure that it effectively incentivizes contractors to control costs; requiring that the Department notify Congress of potential termination liability on contracts for major weapon systems; and calling on the Department to improve its guidance on how it procures capability in response to ''joint emergent operational needs''.

Several provisions in the bill continue the committee's strong oversight of troubled programs. The bill fences 50 percent of the funding for the second Ford-class aircraft carrier until the Navy submits a report on how it will control its construction costs, while the accompanying Senate report directs the Navy to recertify the current $8.1 billion cost cap on CVN–79. Other provisions enhance oversight of, and transparency into, the Navy's Littoral Combat Ship Mission Packages; subject how the Air Force maintains and modernizes F–22A aircraft to greater oversight; and continue strong oversight of the F–35 program.

This year's bill also contains important initiatives intended to ensure proper stewardship of taxpayer dollars by codifying the 2014 goal for the Department of Defense to achieve an auditable statement of budgetary resources; requiring the implementation of recommendations provided by the GAO to eliminate duplicative programs and functions; imposing additional protections for DOD whistleblowers; and requiring a detailed cost estimate and personnel plan for the new Defense Clandestine Service.

Another important provision would require the commander of U.S. Cyber Command to provide a strategy for the development and deployment of offensive cyber capabilities to serve as deterrents to, and for response in the event of, a cyberattack. I believe strongly that cyber warfare will be the key battlefield of the 21st century, and I am concerned about our ability to fight and win in this new domain without a robust offensive capability. Crafting a comprehensive, well-defined strategy, required under this provision and others, should also spur U.S. Cyber Command to identify critical personnel

requirements for offensive cyber missions, which are presently understaffed.

Again this year, the committee restricted further construction on Guam related to the realignment of U.S. Marines in the Pacific theater until Congress has a clear understanding of the costs and strategic implications of the proposed force realignments on our strong allies in the region. The bill also contains no funding for the Office of Economic Adjustment activities on Guam, and it requires future requests for the construction of public facilities and infrastructure be specifically authorized by law, thereby eliminating another potential source of earmarks.

In addition, this bill would impose restrictions on DOD expenditures to develop a commercial biofuels industry. I strongly support continued Defense Department research in energy technologies that reduce fuel demand for our weapons systems and save lives on the battlefield. But I do not condone siphoning defense funds from those critical efforts to pay $27 per gallon for biofuels or $170 million to use as venture capital for the construction of a commercial biofuels refinery. This is not a core defense need and should be left to the private sector, or to the Department of Energy, which received over $4 billion last year for energy research and development for related programs. The committee's action corrects this misplacement of priorities.

Even without the massive budget cuts that will occur if sequestration is not averted, the President last year proposed $487 billion in defense budget cuts by fiscal year 2021. The total funding authorized in this bill reflects the President's reduced defense budget plan. However, within that total funding, the Armed Services Committee cut an additional $3.3 billion from programs requested by the Department of Defense to fund congressional special interest items. I am concerned that, in light of the budget realities facing the Pentagon and the Nation, at a time when our military is being asked to make drastic cuts in personnel, some of our colleagues continue to divert resources from vital military requirements to fund unnecessary and unrequested projects.

Some argue that the Department of Defense does not have a monopoly on good ideas. While true, the committee has an obligation to ensure that funding added to new programs results in tangible value to our national security and our military personnel. Terms like ''Committee initiative,'' as used in this bill, do not effectively disguise additions to the budget that are earmarks by any other name. Two perennial additions that highlight the problem of unrequested authorizations are the Industrial Base Innovation Fund, IBIF, and the Defense Rapid Innovation Program, DRIP, which together are earmarked for $230 million in this bill. These funds were not requested by the Department of Defense and as a result, the Department has struggled to put them on contract and manage the money for any useful purpose.

Serious threats face our Nation, most recently evidenced by the deaths of four brave Americans in Benghazi, and our Armed Forces are still engaged in operations in Afghanistan and deployed around the world. At the same time, our Nation is facing a severe fiscal crisis which is only weeks away, due to the unwillingness or inability of the President and Congress to agree on a solution to the current tax-and-spending stalemate.

And once again, Congress has failed to enact either an authorization or appropriations bill for the Department of Defense almost 2 months into the fiscal year. We have failed to provide the Department with a baseline to plan for sequestration, if it is ultimately not averted. Therefore, I urge my colleagues to swiftly approve this legislation so that a Defense authorization bill can be enacted before the end of the year.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, I thank my good friend from Arizona for those comments.

Madam President, on behalf of the Senate Armed Services Committee, I am pleased to bring S. 3254, the National Defense Authorization Act for fiscal year 2013, to the Senate floor. The Armed Services Committee approved the bill by a unanimous, 26–0 vote, making this the 51st consecutive year that our committee has reported a defense authorization act. Every previous bill has been enacted into law.

This year's bill would authorize $631.4 billion for national defense programs—the same amount as the President's budget request and $31 billion less than the amount appropriated for fiscal year 2012. U.S. forces are drawing down in Afghanistan and are no longer deployed in Iraq. However, real threats to our national security remain and our forces are deployed throughout the globe. I am pleased that this bill provides our men and women in uniform the funding and support that they need as they engage in continued combat in Afghanistan, work to track down al-Qaida and associated forces in the Arabian Peninsula and North Africa, and perform other military missions around the world.

First and foremost, this bill continues the increases in compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world. For example, the bill authorizes a 1.7 percent across-the-board pay raise for all military personnel, extends over 30 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by active-duty and reserve military personnel, and authorizes increases to several of these bonuses; does not accept Department of Defense proposals that would have increased the cost of medical care for service members and their families by establishing enrollment fees for TRICARE Standard and TRICARE for Life, and increasing TRICARE deductibles and the annual catastrophic cap; authorizes $30 million in supplemental impact aid and related education programs for the children of service members, and adjusts the impact aid formula to alleviate delays in impact aid funds; requires the Secretary of Defense to provide recommendations for statutory or regulatory changes to further increase career and service opportunities for women in the armed forces; and strengthens protections on consumer credit for members of the armed forces.

The bill includes funding needed to provide our troops the equipment and support that they need in Afghanistan, while preparing the way for a transition of responsibility to Afghan forces. For example, the bill funds the President's request for $88 billion for overseas contingency operations; fully funds the President's request for $5.7 billion to train and equip the Afghan National Army and Afghan Police—growing the capabilities of these security forces so those forces can continue the transition to taking the security lead throughout Afghanistan by 2014; reauthorizes the use of DOD funds to support a program to reintegrate insurgent fighters into Afghan society at the requested level of $35.0 million; reauthorizes the Commanders' Emergency Response Program in Afghanistan with a reduction in the Administration's request, given reductions to U.S. force levels in Afghanistan; reauthorizes the Afghanistan Infrastructure Fund at a reduced level and restricts the availability of the authorized funds until the Secretary of Defense submits information on how new projects will be sustained following completion; and requires an independent assessment of the size and structure requirements of the Afghanistan National Security Forces necessary to ensure that Afghan forces are capable of providing security for their own country after 2014.

The bill also contains a number of provisions that will help improve the management of the Department of Defense and other federal agencies. For example, the bill enhances protections for contractor employees who blow the whistle on waste, fraud, and abuse on DOD contracts; restricts the use of ''pass-through'' contracts by requiring that at least 50 percent of the work on any service contract be performed by the prime contractor or by a subcontractor identified in the contract; lowers the cap on contractor salaries and compensation that is allowable for DOD reimbursement from $750,000 to $230,700; prohibits the use of cost-type contracts for the production of major weapon systems, with limited exceptions; and adds $59 million to enable the DOD IG to provide more effective oversight and help identify waste,

fraud, and abuse in DOD programs, especially in the area of procurement.

There are a number of controversial issues that are not addressed in this bill.

First, the sole detainee-related provision in this bill is a one-year extension of existing language addressing certifications for transfers of GITMO detainees and the construction of facilities inside the United States to house GITMO detainees. I understand that some of my colleagues would like to revisit issues we addressed last year regarding the authority to detain individuals apprehended in the course of our ongoing fight with al-Qaida, the Taliban, and associated forces, and they have that right, but those issues are not addressed in the bill reported by the Senate Armed Services Committee.

Second, the bill does not authorize new rounds of base closures, as requested by the administration. In fact, the bill includes a one-year moratorium on implementing any realignment that would result in a military installation falling under the threshold for closure without going through the BRAC process. The Department of Defense has achieved savings through previous BRAC rounds, but there are other options—including further reductions to our overseas basing structure—that should be considered to achieve savings before Congress authorizes a new round of base closures inside the United States.

Third, in accordance with the policy that the Armed Services Committee has adopted over the last two years, the bill does not contain any earmarks, as defined in rule XLIV of the Standing Rules of the Senate. I continue to believe that we it is wrong for us to give up the power of the purse given to Congress in the Constitution. I don't believe that the executive branch has a monopoly on good ideas; in fact, I think that we are often more receptive to creative, new ideas that can lead to advances in the national defense than the defense bureaucracy is. Nonetheless, there are no earmarks in this bill.

Finally, I would like to discuss four issues in the bill that are of particular importance to the Department of Defense and the Nation.

First, the budget proposal included a plan by the Air Force to retire or realign various aviation units, resulting in a 4.8 percent reduction to the Air National Guard, compared to a reduction of only 1.2 percent to the active duty Air Force. The Air Force provided no convincing justification for the imbalance in these cuts. Some of the proposed cuts in National Guard force structure were accompanied by proposed increases in active duty force structure for the same aircraft. The rationale provided for other cuts was inconsistent with statements that the Air Force made as recently as two years ago about the capability of its aircraft. In fact, the Air Force was unable even to provide the committee with consistent numbers documenting the impact of the proposed cuts on affected locations.

The bill before us rejects the Air Force plan and fully restores $1.4 billion in fiscal year 2013 funding for the force structure that the Air Force proposed to cut—without increasing the overall top-line of the defense budget. While we understand that the Air Force has to make tough choices in its budget, major changes in Air Force structure are too important to be made without the support of objective analysis. For this reason, the committee bill would delay the actions proposed by the Air Force and instead establish a national commission to provide an objective analysis of how the structure of the Air Force should be modified to best fulfill current and anticipated mission requirements in a manner consistent with available resources. It is our expectation that this analysis will provide a far more sound and defensible basis for future force structure decisions.

Second, the bill establishes a Military Compensation and Retirement Modernization Commission to review elements of military compensation and retirement benefits with the objective of modernizing these systems, ensuring the long-term viability and sustainability of All-Volunteer force, and enabling a high quality of life for military families. In proposing such a commission, the Department of Defense took note of significant changes in the demographics of the national workforce and private sector retirement plans, concerns about the extent to which military compensation is deferred and the vesting of benefits is delayed, and the continuing fiscal pressures on the nation. As recommended by the Department, the provision in our bill provides for expedited legislative consideration of the commission's recommendations—including an up-or-down vote on those recommendations without amendment. Our legislation would ensure that proposed changes do not break faith with the current force by expressly requiring that the commission's recommendations grandfather all members serving in the armed forces as of the date of enactment of the provision.

Third, the bill includes a provision requiring the Department of Defense to develop and implement a plan to reduce the size of its workforce of civilian employees and contractor employees by an amount commensurate with the 5 percent reduction in military end-strength planned through fiscal year 2017. This provision recognizes the reality that a reduction in military end-strength and force structure should be accompanied by a comparable reduction in supporting elements.

In recent years, we have come to understand the critical role played by the acquisition workforce—and the risk that we could lose billions of dollars in failed acquisition programs by trying save millions of dollars in ill-advised cuts to that workforce. But it is not just the acquisition workforce that plays a critical role in ensuring that our military is prepared to meet current and future challenges. DOD's civilian workforce also includes 45,000 nurses, pharmacists, and other medical professionals; 86,000 personnel in cybersecurity, information assurance and related fields; 15,000 personnel in science and technology; and 6,000 personnel in intelligence functions. Our civilian employee workforce plays a critical role in ensuring that our troops get the supplies that they need, that they receive the pay that they earn, that their bases are safe and well-maintained, and that their children receive the education that they deserve. Without this workforce, we would not be able to build, test, and maintain the weapon systems we need to face today's challenges, and we would not be able to conduct the research and development we need to keep our technological edge into the future.

In the current budget environment, however, no area of the Department of Defense can be off limits as we look for savings. I am well aware that the Department has already developed plans to reduce its civilian employee workforce by two to three percent over a 5-year period, and is achieving additional savings through an ongoing pay freeze for its civilian employees. However, these efficiencies initiatives were developed before the current budget crunch and fall short of the 5 percent reduction planned for military end strength. The cuts imposed on the Department's contractor employee workforce have been significantly less deep. The provision in our bill should ensure that savings achieved in the Department's civilian personnel workforce and contractor employee workforce are brought in line with the savings achieved through the newer, deeper cuts to military end strength. It is our expectation that the Department will utilize a deliberative, needs-based planning process to achieve this objective.

Finally, the bill includes a number of provisions on energy conservation, energy research, and alternative fuels. The Department of Defense is the single largest consumer of energy in the United States, spending close to $20 billion a year on purchases of fuel and electricity. I am pleased that the bill authorizes $150 million for the Energy Conservation Investment Program and $200 million for the research of innovative technologies, including technologies that will enhance energy security and independence, through the Rapid Innovation Program. In the long run, these 12 investments should result in substantial savings in fuel costs, reduce logistics requirements for military operations, and enhance our energy security.

The bill also contains two provisions—each adopted on a razor-thin 13–12 vote—restricting the Department's continued investment in alternative

fuels. The first provision prohibits the use of fiscal year 2013 funds for the production or purchase of an alternative fuel if the cost exceeds the cost of traditional fossil fuels available for the same use. The second provision prohibits the Department from entering into a contract to plan, design, or construct a biofuels refinery or any other facility or infrastructure used to refine biofuels, unless specifically authorized by law. These provisions may result in short-term savings, but they will impose significant long-term costs by undermining the Department's efforts to diversify its fuel supplies and enhance its energy independence and security. It is my expectation that we will revisit these provisions as we debate this bill on the Senate floor.

As of today, we have roughly 1.4 million U.S. soldiers, sailors, airmen and marines serving on active duty—with tens of thousands engaged in combat in Afghanistan and stationed in other regional hotspots around the globe. While there are issues on which Members may disagree, we all know that we must provide our troops the support they need. Senate action on the National Defense Authorization Act for Fiscal Year 2013 will improve the quality of life of our men and women in uniform and their families. It will give them the tools that they need to remain the most effective fighting force in the world. Most important of all, it will send an important message that we, as a Nation, stand behind them and appreciate their service.

I look forward to working with my colleagues to pass this vital legislation.

AMENDMENT NO. 2985

Senator UDALL's amendment is now pending, and I am wondering whether there is a time agreement yet on this amendment and, if not, whether we can work on a time agreement.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. UDALL of Colorado. Pursuant to Senator LEVIN's question about a time agreement, I ask unanimous consent that the majority side have 30 minutes to speak to my amendment and the Republican side have 15 minutes to speak to my amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Colorado.

Mr. UDALL of Colorado. I ask unanimous consent to speak to my amendment for 10, 12, maybe 15 minutes. I know Senator INHOFE would like to speak. Then I have additional speakers on our side.

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

Mr. UDALL of Colorado. Madam President, I rise today in support of the Department of Defense and our men and women in uniform who stand watch around the clock around the world to protect us from a truly staggering range of threats. As I have alluded, I rise specifically to speak to my amendment No. 2985, which I have introduced in concert with our military officials and leadership.

As a proud member of the Senate Armed Services Committee, I have designed this amendment to support the Department of Defense and their efforts to pursue alternative fuels and energy investments. Senators MURRAY, SHAHEEN, BINGAMAN, HAGAN, KERRY, BEGICH, and TOM UDALL have joined me in cosponsoring this legislation.

We, as Senators and as Americans, frequently acknowledge the courage and the sacrifice of our troops. But I would also point out that they are incredibly smart, insightful, and forward thinking. In order to keep ahead of current enemies and future threats, our military leaders must be students of history. They have to understand the past in order to predict the future. They have to be ready to face challenges from the air, sea, and land, and now increasingly from the cyber domain. They must prepare to defend our Nation from hostile nation States such as Iran and from terrorist organizations such as al-Qaida.

In order to do all of this, they must have the best technology in the world. We must also provide them with the flexibility to adapt to an ever-changing landscape and the resources they need to research, develop, and employ new technologies. That is our solemn commitment, and I would offer our solemn responsibility, to those who fight on our behalf. They have placed themselves between us and harm's way. In return, we promise to invest in the technology, training, and resources they need to stay safe.

For me and many of our colleagues that includes encouraging, supporting, requiring, actually, the DOD to invest in energy sources and fuel technologies that reduce our dependence on foreign oil. Ultimately, section 313 of the Defense authorization bill before us today would severely limit the ability of the Department of Defense to use alternative fuels.

Given the threats facing our Nation today and in the future, that is not acceptable. I want to point out the Department of Defense strongly opposes the constricting provisions in the current Defense authorization bill for that reason and for a number of other reasons. I want to quote what the Office of the Secretary of Defense says about section 313.

The OSD says that 313 is ''detrimental to DOD's long-term energy security;'' that it is ''overly broad,'' ''ambiguous,'' and it ''restricts the flexibility of military commanders.'' Those are the DOD's words about this section. I want to point out I strongly agree with those words. Therefore, I have offered this very simple amendment that would remove this limiting provision from the bill. I firmly believe that removing section 313 of the Defense authorization bill is in the best interests of our military and our country. Let me tell you why.

In the carrying out of the work of our Nation, the Department of Defense consumes approximately 330,000 barrels of oil every single day. That works out to 120 million barrels of oil per year. That is a truly staggering number. This year, given those numbers, the military has already spent $15 billion on fuel. Because of rising global oil prices that is about $2.5 billion more than they forecast, and the year is not even over yet. We have another month to go.

Those rising costs in dollars and operational capability are staggering. Think of it this way: For every 25-cent increase in the price per gallon of oil, the military's fuel bill increases by $1 billion. So then what happens? In order to make up for that shortfall, the DOD then has to pull money from the operations and maintenance accounts, which means that rising fuel costs result in less training, deferred maintenance, and reduced operational capability.

Let me be clear. The current language that was added to this bill by some of my colleagues tells the Defense Department they cannot pursue energy security and instead must rely on an energy source that is quickly eating away at their capabilities and effectiveness. That means our people are less prepared when they go into harm's way, and they are less ready to fight when it matters most. For me, and I hope for the majority of my colleagues, that is far too steep a price.

That is why the DOD is investing in technology to increase fuel efficiency, promote conservation, and to find alternatives to foreign oil. General Dempsey, the Chairman of the Joint Chiefs of Staff, has said simply but powerfully: Saving energy saves lives. It should tell us something that in an era of reduced DOD budgets our senior leaders remain fully committed to this effort. We should support them in these commonsense approaches. That is why the DOD is funding research and development for new fuels that can be made from biological feed stocks. And these are fuels that can be literally grown here and refined here, right in our own country, right at home.

This R&D effort I am alluding to is part of a proud legacy of military research programs that have benefited our entire country through many decades. So what I am saying is even under the threat of sequestration, investments in new energy technology and alternative fuels remain a top priority for our military leadership. For those who would say we cannot afford to spend money on alternative fuels, our uniformed senior leaders tell us otherwise and, in fact, suggest that we cannot afford not to make these investments.

Let me share another way of looking at this. The investment is tiny when we compare it to the potential payoff. For less than .03 percent of the defense budget, our military is building a foundation for a new domestic energy

source that could save billions of dollars and keep more of the money we do spend on fuel right here at home.

We spend about $300 billion a year on overseas sources of oil—$300 billion. If we could keep one-twentieth of a percent of that money at home we would pay for this program. Let me put it in perspective another way.

For about half of what we spend on military bands each year, we could be establishing a domestic energy industry. For less than the cost of a single F–35, we could diversify our energy portfolio and drive down costs. We would be taking billions of dollars out of the hands of terrorists and reducing the risk to our military personnel.

So in that context, what is the problem? Well, the proponents for cutting off these investments in alternative fuels argue that the Defense Department should not be involved in the development of new energy sources. I think it has already become clear, but I want to say it again: I could not disagree more. These biofuels, when we produce them, cannot be used as leverage against us. These refineries cannot be overrun by Nigerian rebels or blockaded by Iranian gun boats.

Energy security is national security. This is exactly the kind of investment our military should be making. In fact, military R&D has sustained the enormous technological advantage that we have maintained over our adversaries historically. Our willingness to invest in the future has kept us safe. So my colleagues say the DOD should not be spending money on energy development. I would respectfully remind them we have always spent money on energy development, and it has made us safer.

If that view had prevailed in years passed, we would not have a nuclear-powered Navy. Without military investment in emerging technologies, we would not have jet engines, microchips, microwave ovens, radar, or GPS navigation. Ensuring our energy security ought to be a national priority. Our reliance on foreign oil is a threat to our security and our economy. Our reliance on foreign oil harms our economy and our national security. Now we have the chance to do something about it.

This is a national problem. That is why DOD has partnered with the Department of Energy, Department of Agriculture, and private industry to find a solution. That is exactly how our government is supposed to work.

If we believe the DOD has a vested interest in having reliable sources of fuel and energy, then we should agree they have a role to play in ensuring that new fuels we have to develop meet their needs.

Now, as with any technology, the cost of alternative fuels starts high, but they are coming down steadily. As we all know, the price of oil continues to climb and, equally important, is subject to those sudden spikes due to unpredictable global events. My colleagues who are opposed to the DOD energy programs would have us believe that alternative fuel prices are unaffordable. But let me share some facts.

In 2009 the Navy paid about $66 per gallon for biofuels used for research. But that price decreased over a 3-year period by 61 percent. During that same period, oil prices rose by about 120 percent. Today, right now, drop-in biofuels for cars and jet aircraft are available for around $4 per gallon. These costs will continue to drop if we keep making smart investments in smart technologies.

These are the facts, but even if we disagree with those points, there is another important factor I hope we will consider. Section 313 of the Defense authorization bill harms military missions and technologies that are being used right now to find and destroy our enemies.

Let me explain. The Office of the Secretary of Defense has said the language is so broad and so poorly defined that it would prohibit the DOD from purchasing any nonpetroleum fuel that costs more than traditional fuels. So we have to ask, what does that mean?

Let me give a couple of examples. That would include the solid oxide fuels used in rockets and missiles. That would include coal-to-liquid fuels. That includes alternative fuels purchased overseas where there are no petroleum-based fuels available, like in South Africa and in countries that have mandatory alternative fuel blends. It restricts fuel blends to a 50–50 ratio, even if that is not the best or the most practical mix.

So the outcome of that would be if the DOD wanted to use a more efficient or cost-effective mix of traditional fuel to biofuel, they would not be able to do so. So I believe section 313 of the bill we are debating will send the wrong political message as well. It will make investors wary of the U.S. Government's commitment to weaning ourselves off foreign oil. It would help keep us reliant on foreign oil. Let me list the countries: Russia, Venezuela, Iraq, Saudi Arabia, I have not even mentioned Iran.

It is poorly drafted and damaging to our security. Instead, we have an opportunity today to help our military and our country. This is how we move forward. This is not about an environmental agenda or some kind of a green conspiracy. It is about doing the right thing, supporting our military brass, establishing a stronger national security and energy security posture in the years ahead.

I urge my colleagues to support my amendment to strike section 313. As I conclude, I ask unanimous consent that Senators Gillibrand and TOM UDALL be added as cosponsors to my amendment No. 2985 to S. 3254.

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

Mr. UDALL of Colorado. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding that the Senator from New Hampshire has a time issue and she would like to have 5 minutes before my time will begin. That is acceptable.

I yield 5 minutes to my friend from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, first of all, I appreciate my colleague's graciousness in allowing me to speak first.

I rise today in support of Senator UDALL and his amendment, which would restore the Department of Defenses' ability to invest in advanced biofuels. I don't think we should be tying the hands of our military as they attempt to manage a significant national security threat our energy dependence.

As our Nation has become more technology dependent, our energy use has increased dramatically. Businesses and families are more conscious than ever of how they use energy and its costs. Our military is no different.

Advanced technology has not only reshaped our economy, it has also changed how we think about defense. No matter how you look at it, as long as we are dependent on other nations for our energy, we have a fundamental strategic vulnerability. Fortunately, for the first time since the oil crisis in 1979 our military is making real progress addressing it. I hope we will get out of their way.

Over the past ten years the Department of Defense has invested significant time and resources into improving our nation's energy security.

Energy security is not some sort of feel-good, pie in the sky, goal that would be nice to have. Energy security is imperative to the success of today's military, and it becomes more critical with each passing generation.

As our Current Chairman of the Joint Chiefs General Dempsey has said: Without improving our energy security, we are not merely standing still as a military and as a Nation, we are falling behind.

Let's be clear: Energy security is national security. Our military leadership understands this. Our Sailors, Soldiers, Airmen and Marines understand this. Other countries including some of our strongest competitors also understand this. And we ignore this fact at our own peril.

As is often the case when our military commits itself to a new mission, particularly when you add a little friendly inter-service competition, we are seeing dramatic results. For example, new solar arrays and mini smart grids have allowed Marines at Forward Operating Base Jackson, in Helmand province, Afghanistan to cut their fuel use from 20 gallons to 2.5 gallons per day. More efficient cargo management and routing are projected to save Air Mobility Command half a billion dollars over the next decade. By reducing

drag, new stern flaps are expected to save the Navy almost $500,000 annually per ship in fuel costs.

I saw the Navy's new stern flaps in person earlier this year during an Energy Subcommittee hearing I chaired aboard the USS Kearsarge. The purpose of the hearing was to highlight the significant advancements the Navy continues to make in both energy efficiency and harnessing new, renewable energy resources. One of those important, home-grown energy resources is biofuels.

Biofuels offer reliable, domestic energy, capable of powering our most advanced military equipment. The Navy recently demonstrated the capabilities of advanced biofuels during a massive exercise that featured a Carrier Strike Group powered exclusively on renewable energy, highlighted by a F–18 traveling at twice the speed of sound and a ship traveling at 50 knots.

Despite biofuels' impressive performance record and their potential strategic impact, we continue to hear two arguments against further investment by the Department of Defense.

The first is that energy investments should be handled by the Department of Energy and not the Department of Defense.

Energy security is going to require an all-of-government approach, and that is the direction we are currently going with the Department of Agriculture and the Department of Energy playing a fundamental role on the biofuels initiative. In addition, as the largest fuel consumer in the world today—and by far the largest in the U.S. Government—the Department of Defense has a special role to play in this effort.

Moreover, because of our dependence, we continually send our men and women in uniform into harm's way to maintain our access. In the past year alone, the Arab spring, conflict in Libya, and the threat of Iranian mining of the Strait of Hormuz have all demonstrated the challenges of assuring continuous access to overseas oil.

Not only is access to oil difficult to maintain, instability in the global price of oil continues to plague our economy and our defense budget as well. Every $1 dollar increase in the price of oil per barrel costs DOD $130 million. Last year alone, the Department was forced to shuffle $1.3 billion from other accounts to cover increased fuel costs.

The second criticism we often hear is that biofuels are too expensive.

It is true that advanced biofuels are not yet in full production and cannot compete with an oil market that is over 100 years old. However, in the last two years alone, DOD investment has caused the price to drop dramatically. Moreover, biofuels are more immune from the price-shocks that are increasingly consuming our defense budget.

In addition, as many of you know, there are significant costs to traditional foreign sources of energy—unseen at the gas pump—associated with protecting our shipping lanes and oil supplies. For over 60 years, we have been patrolling the Persian Gulf. These costs for oil remain underappreciated.

The fact is, throughout its history, our military has played a leading role in energy innovation and development. From wind, to coal, to oil, to nuclear power, their ability to exploit new forms of energy has been key to our Nation's technological edge and combat effectiveness. As Admiral Greenert, Chief of Naval Operations, has noted, ''efforts to reduce the Navy's dependence on fossil fuels and outdated energy technologies is in the finest traditions of military scientific leadership.''

For our military the issue of energy security and investment in biofuels is simple: dependence on foreign oil is a strategic vulnerability, creates problematic fluctuations in the defense budget, and puts our men and women in uniform at unnecessary risk.

We need to make sure our military leaders are able to continue their historic tradition of identifying long-term challenges and seeking innovative ways to solve them. Energy use is no different and nothing—including the Congress—should get in the way. We can't allow the debate over the military's energy use to become a proxy for other ideological debates around energy. We should let our military do what it does best. We should let them lead.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I hear all the time from my good friend who is involved in this. In this rare case it is true. The Senator from Colorado and I are very close friends, and he and I disagree on this issue. I think it is important for us to understand where this came from. Senator MCCAIN and I are responsible for section 313, and I think when people understand what it is, all of these arguments I have heard against it, none of them holds weight. What we are trying to do is experiment in green energy at the expense of our ability to defend America, and our readiness. Our military is deployed in more locations around the world at a greater rate than was ever the case during the Cold War. I sometimes say, I look wistfully back on the days of the Cold War. Back then we had an enemy we could define. It was an enemy who was predictable. That is not the case anymore, and after almost two decades fighting and all of these contingencies worldwide, including four major regional conflicts with a force structure that is 40 percent smaller and equipment that is decades older than the military readiness during its decline, this is what we are faced with right now. All of this is coming at a time when the Obama administration has cut the defense budget, projecting over the 10-year period, by some $487 billion. If the Obama sequestration becomes a reality, that would be $1 trillion over this period of time coming out of our defense budget.

Even the Secretary of Defense, President Obama's Secretary of Defense, said that would be devastating. He used the word ''devastating.'' But if that were not enough, the Obama administration continues to force the military to spend greater proportions of its already depleted funds on an expensive green energy agenda, to include the purchase of biofuels for operational use and construction of commercial biofuel refineries.

I fully support the development and the use of alternative fuels, including biofuels, but not at the expense of the military. Secretary Mabus's primary focus must be or should be on the readiness of the Navy, not on propping up the biofuel industry.

By the way, I have to remind everyone we have a bureaucracy called the Department of Energy. They are the ones who are supposed to be doing all of this experimentation we talked about. Our Navy, according to the Chief of Naval Operations, ADM Jon Greenert, will see a 15-percent increase in the number of ships set to deploy, with the number of ships and attack boats deployed at any time rising from 93 today to 107 by 2016. This increased deployment rate will impact sailors and marines as well as the required maintenance of ships and aircraft.

President Obama talked about pivoting to Asia from the Middle East and some of the concentrations. This is going to create another very serious problem. When every defense cut dollar degrades our military readiness, why should we want our Navy to pay four times the amount than almost any other fuel, or in some cases 100 times the amount? With a military budget that continues to decrease, where is the Navy going to get additional funding to pay its biofuel bill?

What is the Navy willing to give up in order to pay this bill? What is DOD willing to give up in order to pay the higher fuel bills? They have been talking about this on the other side. However, the higher fuel bills are not what this section 313 is all about. We discussed this in the committee. I fully support the efforts that make it affordable are mixed in, but biofuels still face challenges in technologies that remain imprudent. Again, we have a Department of Energy that is supposed to be doing this.

This is a 2011 RAND report, which says:

> There is no direct benefit to the Department of Defense and the services from using alternative fuels rather than petroleum-derived fuels. In short, the military is best served by efforts directed at using energy more efficiently in weapon systems and at military installations.

That is a 2011 RAND Commission direct quote.

Despite the recent assertions by biofuel lobbyists that the two biofuel provisions in S. 3254, the National Defense Authorization Act for fiscal year

2013, do not restrict the Department of Defense from purchasing alternative fuels, including biofuels, section 313 allows the continued use of the Department of Defense funding for biofuels for testing but precludes them from using the funds authorized for readiness and training. That is what this is all about, readiness.

Section 313 contained in the bill is intended to restore fiscal responsibility and accountability for defense spending at a time when our Nation simply cannot afford to waste taxpayers' funds on speculative green initiatives such as Solyndra and dozens of other companies that are foundering or bankrupt despite billions of government investment, as they call it.

A recent DOD report revealed that the biofuels program will amount to an extra $1.8 billion a year in fuel costs to the Navy alone. That is just the Navy, not the Air Force, not the rest of them. This ludicrous pricetag is not surprising.

Through congressional oversight efforts, we found that in 2009—now listen to this, this is significant—the Navy paid an outrageous $424 a gallon for 20,000 gallons of renewable diesel. In December of 2011, the Navy purchased 450,000 gallons of biofuels for $12 million, equaling about $27 a gallon. That is $27 a gallon we are talking about in our defense budget when we are paying for something that should cost $3, maybe $4 a gallon.

The Navy is not the only service being subjected to this greening agenda. Last month the Air Force bought 11,000 gallons of alcohol to jet fuel at $59 a gallon, twice as much per gallon as what the Navy was forced to spend. So we are talking about amounts such as $400, $450, and $29 a gallon for fuel just to experiment, and this is something the Department of Energy should be doing if anyone is going to be doing it.

DOD has been forced to drastically cut its personnel, the number of brigade combat teams, ships, fighters, and airlift, and it has had to eliminate or postpone critical military modernization programs. Now thanks to President Obama's defense budget cuts, DOD can't afford to do business as usual. Yet they are being coerced to spend $27 a gallon.

Secretary Panetta has warned repeatedly that President Obama's deep cuts will have a devastating effect to our economy. He used the word ''devastating'' when he talked about what was going to happen if he is successful in the next step, which would be the sequestration.

Knowing this, how could anyone support including another $1.8 billion from an already stretched budget? President Obama's climate chief, Heather Zichal, defended the green fleet by arguing that even a dollar rise in gasoline prices would cost DOD $30 million. I think my good friend, the Senator from Colorado, said essentially the same thing. I agree with it. If every $1 of rise in gas prices costs $30 million, a $27 increase in fuel costs due to the forced use of biofuels would add up to about $660 million. So that argument falls completely flat.

Realizing that the economic angle is a political loser, the Obama administration has tried to say that it is about national security in getting off of foreign oil. That is where I want to get.

I spent several years as chairman of the Environment and Public Works Committee and several years as the ranking member. All during that time, people were saying the one thing we all agree on is we need to be off of foreign oil. We need not to be dependent upon the Middle East. Yet right now we know no one is going to refute this fact, no one in this room, no one today or in the future, that when we had the USGS reports and the other reports saying that we now are in a different position than we have been before. People are saying of the resources and the reserves in fossil fuels—and I am talking about ''oil and gas''—we are No. 1 in the world now. We didn't used to be. Two years ago we couldn't have said that. Right now we are. We have the opportunity, and we can look at the opportunity, in terms of our reserves that are usable, of being totally self-sufficient.

The other thing that is so disturbing, when people talk about they don't want to be dependent on the Middle East, therefore we have to spend billions of defense dollars to experiment on biofuels when, in fact, we could be completely self-sufficient, all we have to do is do what every other nation in the world does, and what is that? Every other nation in the world depletes it. They go after their own resources. We have recoverable reserves in gas and oil to take care of this country for the next 50 and 90 years, respectively, and yet we are trying to use this as an argument to go and spend this money on experimental biofuels. I think that part of the argument has to be exposed for what it is. It is a phony argument.

You know, we look, we see, and people ask from around the world, they say why is it that your country, the United States—in my position on this committee I have been asked this many times—why is it that you are the only country that won't exploit its own resources, and I say, well, it is a political thing.

Right now if you want to do something about becoming energy totally sufficient—I asked the other day, because the President keeps saying, well, you know, you are wrong because if we were to develop all of our public lands and be able to get the resources off of that, it would take 10 years for that to reach the pump—I actually called up a man named Harold Hamm. He has testified before our committees up here in Washington several times. I said, let me ask you a question. I am going to be on a TV show and they are going to ask me, if this administration would lift all of the restrictions we have on public lands how long would it take for the first barrel of oil that would come from that to reach the pumps? Otherwise, you go through the refining process and all of that, because we have heard this administration say it would take 10 years. Well, in fact, it would take—his answer was—and I said: Be careful, Harold Hamm, because I am going to use your name on nationwide TV. He said: Yes, I have thought about this. It would take 70 days. Not 10 years but 70 days.

So we are talking about sufficiency that we could have just in this country in a matter of days, not in a matter of years. And I only bring that up—and I know people don't think it should be part of this debate, but it is because they are using the argument that we have to use billions of defense dollars in experimenting with biofuels to wean us off fossil fuels when, in fact, we are doing that now. And we have a Department of Energy that is responsible for actually carrying that out. The argument completely falls on its face.

It was the U.S. Geological Survey report that revealed that America has 26 percent of the world's recoverable conventional oil reserves—which is more than we are using, so we could become independent—and almost 30 percent of the world's technically recoverable conventional gas resources. So with all these things in mind, the Congressional Research Service agrees and the USGS agrees we could become independent. So it all comes together.

This isn't happening in a vacuum. We have a good bill here, and we need to get it done in the short period of time given us by the leadership. I think we can do it. I agree with the chairman of the committee that we can get this done. But this one amendment is one that would, probably more than any other amendment, take away our ability to spend this money on readiness—on readiness for the experimental program on green energy.

With that, Mr. President, I yield the floor and reserve the remainder of the time.

Mr. LEVIN. Mr. President, I ask unanimous consent that at 2 p.m. today the Senate proceed to vote in relation to the Udall amendment No. 2985; further, that there be no second-degree amendment in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I wish to commend Chairman LEVIN, who has brought his usual thoughtful approach to these issues, and to thank him for his help specifically in two areas in which I have been interested.

I also see my friend Senator MCCAIN. He and I have worked often on these and other matters, and I thank him for his wise counsel as well.

Mr. President, as I indicated, I am going to talk briefly on two amendments in which I have a special interest. The first is the amendment of Senator UDALL to strike section 313 of the bill.

As a member of the Senate Committee on Energy and Natural Resources, I have followed closely the proposition that the Department of Defense is the single largest user of energy in the United States, with annual fuel expenditures in excess of $16 billion. This is an extraordinary thirst the Department of Defense has for energy. It creates a host of issues for the Pentagon, and fluctuations in global energy prices can have dramatic effects on defense spending. For every $10 increase in a barrel of oil, it costs the American military annually an extra $1.3 billion.

Recognizing the potential instability DOD's current energy needs can cause, military experts from across the various branches of the armed services have begun looking at ways to cut energy use and find energy alternatives. I continue to hear all of this discussion about how this is somehow a ''green agenda,'' that it is a subversive plot and that it is being forced upon a resistant Pentagon. I would like to take a minute or two to say that I don't think anything could be further from the truth, and I wish to describe for a moment why I feel that way.

First, those who oppose defense energy initiatives often argue that in today's fiscal environment, the country can't afford to waste money on energy programs when it is necessary to provide for our Nation's security. I don't believe it is an either/or proposition because my view is that an investment in energy efficiency and energy self-sufficiency is hugely important to protecting our country's national security in a dangerous time.

I have heard some argue that military research, development, and testing of alternatives to oil-based fuels is a ''misplacement of priorities,'' but this argument is based largely on the proposition that biofuels currently cost more per gallon than petroleum. But the reality is that the makers of biofuels have not reached full-scale production, and the Department of Defense contracts include research and development costs. So any attempt at a gallon-to-gallon analysis of biofuels versus petroleum is really what I would call an apples-to-oranges comparison. The fact is that DOD investments in biofuels development have resulted in a cost-per-gallon reduction—a cost-per-gallon reduction of 94 percent in just the last 3 years.

Bloomberg New Energy Finance analysts predict that some aviation biofuels will be cost-competitive with standard jet fuel by 2018, given the continuation of current rates of development. So in about 5 years, the American biofuels industry could produce fuel for our military aircraft and vehicles at a cost equal to that of foreign oil.

The Truman National Security Project recently held a press call with retired generals, and one in particular was quoted as saying the following:

> Moving away from oil . . . ensures we remain the most capable and effective fighting force on the planet. . . . And this is what this is all about. This is not about politics or saving polar bears. It is about being effective as a fighting force.

Those are not my words but the words of an important retired general.

So that is what this boils down to, in my view—having the most effective fighting force and being in a position to save the lives of our servicemembers.

I know there is going to be a fair amount of discussion throughout the debate on this bill about this issue, but I continue to believe that energy efficiency and energy self-sufficiency increase our national security. I hope my colleagues will support the Pentagon's alternative energy efforts and vote for Udall amendment No. 2985.

Briefly, I wish to turn my attention to the other amendment I have, and I again thank Chairman LEVIN and Senator MCCAIN for giving me this opportunity to speak.

This morning the Associated Press reported that Iraq war contractor Kellogg Brown & Root has sued the Federal Government to pay the $85 million in damages KBR owes soldiers sickened because of KBR's negligence.

This case started in 2003 when members of the Oregon National Guard were assigned to provide security for contractors from KBR in Iraq at the Qarmat Ali water treatment facility. These soldiers and others were exposed to dangerous levels of chemicals, including sodium dichromate, which contains hexavalent chromium, one of the most carcinogenic chemicals on Earth.

A group of the exposed soldiers sued KBR based on the evidence indicating KBR managers were aware of the presence of the dangerous chemicals but failed to warn the soldiers working in and around the plant. A jury recently agreed that KBR was negligent and awarded the soldiers $85 million in damages, and more of the affected soldiers also have lawsuits pending, so the damage awards, in my view, are likely to increase significantly.

However, a recently declassified indemnification provision in the contract between KBR and the U.S. military for work in Iraq passed all financial liability for misconduct from KBR to U.S. taxpayers, even in cases of—and I want to emphasize this—willful misconduct by KBR. These provisions also provided for unlimited reimbursement of legal costs incurred by KBR. In effect, the company—KBR—was handed a blank check drawn on the American taxpayer, and yesterday the company went to court to cash that check.

My amendment would prevent DOD from putting the American taxpayer on the hook for the negligence of contractors without notifying Congress. Our soldiers know when they sign up that they are putting their lives on the line, but they expect their commanders and the contractors working beside them to not expose them to unnecessary risk.

Both the DOD inspector general and a jury have confirmed what Oregon soldiers and I and other members of the Oregon congressional delegation have been saying for years—that KBR failed to protect our soldiers from a known threat. We can't know if the fact that KBR had basically a get-out-of-jail-free card caused them to be negligent, but what we do know is we shouldn't let this happen again.

My amendment was debated as part of the last DOD authorization bill, and my understanding is that it was actually acceptable to both sides, but we weren't able to get it into the final bill. I hope now, especially in light of today's news right over the wire services this morning, we can agree to include this amendment before more of our brave men and women in uniform are harmed by the actions of negligent contractors who then try to pass the buck to American taxpayers.

I again thank Chairman LEVIN and his staff for their leadership, and I look forward to working with them, particularly on this amendment here this afternoon.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to speak in favor of the Udall amendment, of which I am very pleased to be a cosponsor. I want to start, though, by thanking our terrific chairman, who we are so proud is from Michigan, and the distinguished ranking member for all their hard work in putting together what is incredibly important to support our troops and what they need, for their families' needs, and giving us tools for a strong defense.

Part of having a strong defense is making sure we give the military the flexibility they need and deserve to use the fuels that make sense for them and not tie their hands for any reason. As we go forward, we know there are opportunities to both save lives and dollars by using a variety of fuels. This amendment, by striking language that stops the military from having that flexibility, is very important.

We all know our dependence on oil has serious costs in terms of dollars but, more importantly, in terms of lives. One in every 50 convoys results in a U.S. casualty. We lose an American life from every 50 convoys. Since 2003 more than 3,000 troops have been killed in those attacks. Most of the time, military leaders will tell us: We are moving troops and moving fuel to be able to support the troops. So we need to give the military opportunities, whether it is from new kinds of hydrogen fuel cells or biofuels or advanced batteries.

There is a tremendous amount of work that is happening in Michigan through TACOM and TARDEC, which

are the arms of the Army that are doing the very important research and development of new technologies, and they have now developed advanced battery technology they are using in the field that will save money and lives. So these are important things to be doing as we move forward to the future, and the Udall amendment would guarantee we can continue to do that.

The Navy estimates that they spend about $84 billion—$84 billion—every year protecting oil supplies. Think about that—not being able to do what we need to do on the front lines in terms of defense but just protecting the oil supplies, shipping lanes, and commercial vessels in the Persian Gulf region alone.

Again, this amendment would save lives, save money, and it would allow the Department of Defense to move forward on these new technologies, such as hydrogen, E85, and biofuel blends for flex-fuel vehicles such as the ones we are building in Michigan. These new technologies are our future. They are our future in jobs, and they certainly are our future as it relates to saving dollars and getting us off foreign oil and, as I said before, are so important to our military and to all of us in saving American lives.

The operational benefits of using different kinds of fuel are enormous. We have research going on in Michigan right now around advanced batteries. I was pleased to be there at the launch of the first advanced-battery Jeeps going into the field, allowing those convoys of trucks to be brought down to a much smaller level and thus stopping the endangerment over the years of thousands of our troops. Shorter supply lines means more flexibility for our men and women in uniform and less danger for them on the front lines.

I strongly support the Udall amendment. I am pleased to be a cosponsor. This will give our military the flexibility they need to accomplish their mission. Why in the world would we want to limit the flexibility of our military as they move forward to the next generation of new technologies to save dollars and lives?

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that Senators HAGAN, KERRY, BEGICH, and FRANKEN be added as cosponsors of my amendment No. 2985.

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

Mr. UDALL of Colorado. Mr. President, I believe we are reaching the end of our time.

The PRESIDING OFFICER. All Democratic time has expired.

Mr. UDALL of Colorado. I would add just a couple final remarks.

I think we have heard a compelling reason to remove section 313 from the National Defense Authorization Act. National security is energy security and vice versa. Let's stand with our military leadership, let's stand with our NCOs, and let's stand with our enlisted personnel and ensure that the military can continue to invest in this important area of energy security which will save lives, create economic opportunity, and make sure we can project force abroad and protect the values we hold so dear.

I urge my colleagues to vote for this amendment at 2:00 p.m. We have a tentative agreement.

Mr. President, I yield the floor.

Mr. SANDERS. Mr. President, it is not a tentative agreement; there is a unanimous consent order that we are going to vote at 2 o'clock.

The PRESIDING OFFICER. The Senator is correct.

Mr. UDALL of Colorado. Mr. President, I urge all my colleagues to support this amendment at 2 p.m.

Mr. MCCAIN. Mr. President, I inquire of the Chair, what are we waiting for?

The PRESIDING OFFICER. To get on the amendment offered by the Senator from Colorado.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I support the amendment introduced by Senator UDALL of Colorado. The purpose of this amendment is to strike section 313 from the National Defense Authorization Act that would place undue restrictions on Department of Defense's alternative energy investments. This provision, during our committee markup, passed by the closest of margins by a 13–12 vote.

Section 313 aims to block the Department from purchasing or producing alternative fuels if the cost exceeds that of traditional fossil fuels. This would force key decisions regarding energy security to be made exclusively on the basis of cost, without regard for the mission, military capability, or circumstance.

Maybe the intent of section 313 to kill the alternative fuel project currently being conducted under the authority of the Defense Production Act, Title III. However, the impact this provision would have on our military operators, creates a real strategic vulnerability to our men and women on the ground, which reach far beyond biofuels. For example, if the Department wanted to deploy a hydrogen-fueled unmanned aerial vehicle that could operate for an extended duration in a combat zone, this amendment would prevent that since the cost of hydrogen fuel may be higher than a traditional fossil fuel. Or if the Department wanted to generate fuel or energy at tactical locations, including waste-to-energy technology, which the DOD is exploring today, section 313 would again prevent that. Section 313 may also prevent the Department from purchasing non-traditional fossil fuels, such as E85 or B20 biofuel blends, for flex fuel vehicles. Potentially, any fuel which is not a ''traditional fossil fuel'' could be affected.

Mr. President, the sponsors of section 313 have focused on current high costs associated with the production of alternative fuels. However, Secretary of the Navy, Ray Mabus, has already testified before the Armed Services Committee that the Navy will not purchase any alternative fuel for operational purposes until they are cost-competitive with traditional fossil fuels. It's as simple as that. The Department is positioning itself to take advantage of drop-in alternative fuels when they are cost competitive with traditional fossil fuels. This is a prudent insurance policy that requires investments today, which section 313 would prevent.

For years now, the Department has been subjected to significant spikes in the global price of oil, which has created huge bills to pay, leaving less funding for training exercises, flying hours, steaming days, and other negative impacts to readiness. The Department estimates that for every 25 cent increase in the prices of a gallon of oil, it costs the DOD an additional $1 billion to cover the costs, whether it is a result of foreign actions or natural disasters such as Hurricane Katrina. The advancement of a reliable, domestic energy source such as biofuel would provide us with a safeguard against such unpredictable expenses. In my view, global price volatility is a burden the Department should not be subjected to, particularly if it can be avoided by establishing a viable domestic alternative. Yet section 313 appears designed to ensure that the DOD remains entirely dependent upon traditional fossil fuels.

Admittedly, the current price for alternative fuel is high. For example, the Navy purchased biofuel this past July for demonstration purposes at approximately $16 per gallon. Yet small batches of any new technology are expensive, as that is the very nature of research and development. With time to develop a domestic alternative fuel market, the costs of alternative fuels will continue to drop, as the price has already been cut in half since 2009. Furthermore, our military has a rich history of innovation. Investments in technology such as global positioning services, microchips, and the Internet have each carried with them significant up-front costs, but have ultimately paid sizeable dividends far beyond their initial military usage.

The Navy has a notable and effective track record in the arena of alternative fuel development, going back to when the Navy first switched from sails to steam and coal in the 1850s. Once again from coal to oil around the time of World War I, and in the 1950s from oil to nuclear propulsion for aircraft carriers and submarines. And each period has had its complement of critics. Yet think of where we would be today without that long-term eye toward innovation and military capability.

In section 313 there is yet another practical problem in its exception clause, which allows the Department to continue engine or fleet certification of 50/50 fuel blends. That is far too narrow

to cover the wide-ranging array of research and development activities conducted by the Department. In the future, it may be determined that the proper ratio for a weapons platform requires a blend of 60/40, or 70/30. Limiting the DOD to only 50/50 blends would put an entirely arbitrary restriction upon the Department, and is simply not wise.

Mr. President, the DOD and Secretary Mabus have told us that the development of a domestic capability to produce cost-competitive advanced drop-in biofuels at a commercial scale is important to our long-term national security. It is a core defense need. We were also reminded of our strategic vulnerability to fossil fuels and the need to improve our energy security in the last iteration of the 2010 Quadrennial Defense Review. There are valid questions concerning how much a gallon of biofuel will cost in the long run compared to a traditional fossil fuel. Last year alone, the DOD purchased billions of gallons of fuel at a cost of $15.3 billion to conduct worldwide military operations. And we now pay 225 percent more for fossil fuel than we did just 10 years ago. And 12 percent of our gross domestic product goes to fuel for automobiles. By striking section 313, we allow the DOD the freedom to pursue a domestic production capability and it is a smart long-term investment.

Keeping section 313 would hinder efforts currently underway to curtail our reliance on foreign oil by fostering a domestic biofuel capacity. Those in opposition to the Department's alternative energy investments have argued that the cost of these initiatives is too high. They claim that the money would be better spent on other priorities within the DOD. Mr. President, these arguments are shortsighted. The Department has told us that investment in alternative fuels represents less than 4 percent of the Department's total planned investment in operational energy initiatives over the next 5 years, and less than 0.6 percent of what the Department spent on fuel last year. Our military leaders have stated time and again that it is in our national security interest to make these strategic investments, that there is a concrete need to increase flexibility and insulate our forces against volatility in the global oil market. For the future, our men and women in uniform will need alternative fuels to keep our supplies diverse and effective, especially for our legacy fleet of ships and planes, which will be with us for decades to come. The DOD has been examining, testing, and certifying alternative fuels for operational use since 2003. Last July, the Navy successfully demonstrated biofuels with no operational differences in the performance of their ships and aircraft. These efforts are relatively small, yet an important part of the Department's strategy to improve energy security.

Section 313 is in direct conflict with these goals. Reducing our dependence on fossil fuels is a strategic vision that has been articulated and embraced in the past on a bipartisan basis—by President George W. Bush in his 2006 State of the Union Address and by a large bipartisan majority in Congress in the Energy Independence and Security Act of 2007. That bipartisan path is still the best approach today.

I thank Senator UDALL and the cosponsors for introducing this important amendment. I urge my colleagues to support this effort to ensure that our military has the flexibility necessary to meet their energy requirements and bolster our national security, by striking section 313.

Mr. SANDERS. Mr. President, I understand Senator BAUCUS and Senator MURRAY are on their way and wish 5 minutes each to speak relative to this amendment. I ask unanimous consent that between now and 1 o'clock, they be allocated 5 minutes each and that the amendment then still would be the pending amendment.

I ask unanimous consent that we now proceed to the amendment of Senator MCCAIN and that when those two Senators arrive and are recognized, they be allowed to speak for 5 minutes each on the Udall amendment.

The PRESIDING OFFICER. Is there objection to the request for extra time for Senator BAUCUS and Senator MURRAY?

Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I ask unanimous consent that Senator WEBB be added as a cosponsor to Senator MCCAIN's amendment that he is now going to offer.

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

The Senator from Arizona.

AMENDMENT NO. 3051

Mr. MCCAIN. Mr. President, I call up amendment No. 3051 and ask for its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. PORTMAN, proposes an amendment numbered 3051 to S. 3254.

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

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

The amendment is as follows:

(Purpose: To authorize additional Marine Corps personnel for the performance of security functions for United States embassies, consulates, and other diplomatic facilities abroad)

At the end of subtitle A of title IV, add the following:

SEC. 402. ADDITIONAL MARINE CORPS PERSONNEL FOR THE MARINE CORPS SECURITY GUARD PROGRAM.

(a) ADDITIONAL PERSONNEL.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement a plan which shall increase the number of Marine Corps personnel assigned to the Marine Corps Embassy Security Group at Quantico, Virginia, and Marine Security Group Regional Commands and Marine Security Group detachments at United States missions around the world by up to 1,000 Marines during fiscal years 2014 through 2017.

(2) PURPOSE.—The purpose of the increase under paragraph (1) shall be to provide the end strength and resources necessary to support an increase in Marine Corps security at United States consulates and embassies throughout the world, and in particular at locations identified by the Secretary of State as in need of increased security in light of threats to United States personnel and property by terrorists.

(b) CONSULTATION.—The Secretary of Defense shall develop and implement the plan required by subsection (a) in consultation with the Secretary of State pursuant to the responsibility of the Secretary of State for diplomatic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802), and in accordance with any current memorandum of understanding between the Department of State and the Marine Corps on the operational and administrative supervision of the Marine Corps Security Guard Program.

(c) FUNDING.—

(1) BUDGET REQUESTS.—The budget of the President for each fiscal year after fiscal year 2013, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, shall set forth as separate line elements, under the amounts requested for such fiscal year for each of procurement, operation and maintenance, and military personnel to fully fund each of the following:

(A) The Marine Corps.

(B) The Marine Corps Security Guard Program, including for the additional personnel under the Marine Corps Security Guard Program as result of the plan required by subsection (a).

(2) PRESERVATION OF FUNDING FOR USMC UNDER NATIONAL MILITARY STRATEGY.—In determining the amounts to be requested for a fiscal year for the Marine Corps Security Guard Program and for additional personnel under the Marine Corps Security Guard Program under paragraph (1), the President shall ensure that amounts requested for the Marine Corps for that fiscal year do not degrade the readiness of the Marine Corps to fulfill the requirements of the National Military Strategy.

(d) REPORTS.—

(1) REPORTS ON PROGRAM.—Not later than October 1, 2014, and annually thereafter through October 1, 2017, the Secretary of Defense shall, in coordination with the Secretary of State, submit to Congress a report on the Marine Corps Security Guard Program. Each report shall include the following:

(A) A description of the expanded security support provided by Marine Corps Security Guards to the Department of State during the fiscal year ending on the date of such report, including—

(i) any increased internal security provided at United States embassies and consulates throughout the world;

(ii) any increased support for emergency action planning, training, and advising of host nation security forces; and

(iii) any expansion of intelligence collection activities.

(B) A description of the current status of Marine Corps personnel assigned to the Program as a result of the plan required by subsection (a).

(C) A description of the Department of Defense resources required in the fiscal year ending on the date of such report to support the Marine Corps Security Guard program,

including total end strength and key supporting programs that enable both its current and expanded mission during such fiscal year.

(D) A reassessment of the mission of the Program, as well as procedural rules of engagement under the Program, in light of current and emerging threats to United States diplomatic personnel, and a description and assessment of options to improve the Program to respond to such threats.

(E) An assessment of the feasibility and advisability of authorizing, funding, and administering the Program as a separate program within the Marine Corps, and if such actions are determined to be feasible and advisable, recommendations for legislative and administrative actions to provide for authorizing, funding, and administering the Program as a separate program within the Marine Corps.

(2) REPORT ON CHANGES IN SCOPE OF PROGRAM IN RESPONSE TO CHANGING THREATS.—If the President determines that a modification (whether an increase or a decrease) in the scope of the Marine Corps Security Guard Program is necessary or advisable in light of any change in the nature of threats to United States embassies, consulates and other diplomatic facilities abroad, the President shall—

(A) notify Congress of such modification and the change in the nature of threats prompting such modification; and

(B) take such modification into account in requesting an end strength and funds for the Program for any fiscal year in which such modification is in effect.

Mr. MCCAIN. This amendment is to authorize additional Marine Corps personnel for the performance of security functions for the U.S. Embassies, consulates, and other diplomatic facilities abroad.

The tragic events in Benghazi on September 11 and the ongoing tumult throughout the Middle East and north Africa should serve as a stark reminder that the security environment confronting American personnel serving in U.S. Embassies and consulates abroad is as dangerous as any time I can remember.

Despite claims by some, al-Qaida and its affiliates remain dangerous and determined to kill Americans. This reality must force us to reassess the threat to U.S. Embassies and consulates around the world and provide additional resources and military end strength; that is, U.S. marines, to increase protection of diplomatic personnel from those threats. This amendment will do that. It will provide the necessary end strength and resources to support an increase in Marine Corps security at U.S. Embassies and consulates throughout the world—up to 1,000 additional personnel—in particular at locations identified by the Secretary of State as in need of increased security in light of known and emerging threats to U.S. personnel and property by terrorists.

Most Americans believe that U.S. marines are stationed to protect our Embassy personnel abroad, but I think they would be surprised to learn that marines are assigned in only slightly more than half of our diplomatic missions worldwide—182 missions in 137 countries. Moreover, their numbers are small. A typical detachment consists of only six military Marine personnel. Today there are 126 U.S. diplomatic missions outside the United States without Marine Corps security protection, including parts of Asia and Africa where we suspect al-Qaida is expanding its presence.

As the nature of threats to American diplomatic personnel is changing, the Marine Corps security guard mission has not. The current mission of this program dates back to the post-war era of 1948, principally for the protection of classified information and equipment in diplomatic facilities.

The Marine Security Guard Program is also the only Marine Corps program that is under the operational command of the Department of State. For this reason, this amendment would also require the President to present discrete budget requests for Marine Corps security personnel overseas in support of diplomatic personnel and Marine Corps end strength and resources required to maintain readiness to protect our national security. These are distinct missions, and increasing one—as is necessary in light of the attack in Benghazi—cannot come at the expense of another.

Americans may believe our marines are the first line of defense in attacks on diplomatic compounds overseas. The truth is that they are not. They are not mandated to engage with attackers and in some cases may not be permitted to engage. For this reason, this amendment calls on the Department of Defense to reassess this mission and rules of engagement as we increase our capability to protect embassies and consulates throughout the world.

As the world now knows, there were no marine guards at the consulate at Benghazi at the time of the September 11 attack despite the rapidly deteriorating security situation. Would their presence have made a difference and saved the lives of our heroic Ambassador and his security personnel? I think I know the answer to that question, and so do the American people.

So I think it is time for the administration to rapidly complete a reassessment of the risk to U.S. personnel conducting diplomacy abroad posed by terrorists and others wishing to do us harm and ensure that personnel at all 285 missions, not just 182, have adequate protection, including by U.S. marines. I am not saying this amendment requires that marine presence at every one of these missions. What we are saying is that as a result of the risk assessments, we have sufficient authorization and appropriation for adequate protection, part of which—and a major part—is the presence of the U.S. Marine Corps.

I call on my colleagues to fulfill the mission of the Marine Security Guard Program to ensure that U.S. personnel are protected and authorize the necessary end strength and resources for the Marine Corps to achieve this necessary goal.

Mr. President, at this time I yield to Senator MURRAY.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2985

Mrs. MURRAY. Mr. President, I thank the Senator from Arizona for allowing me to speak about an amendment we are going to be voting on at 2 o'clock. I wish to express my concerns with provisions in the Defense authorization bill that we are currently considering that would limit the Department of Defense in investing in alternative fuels.

This underlying bill is a very important piece of legislation. I have always supported it to make sure our military has the equipment and resources and effective policies it needs to perform its mission. But I can't support the inclusion of provisions that would severely limit the Department's ability to use alternative fuels. I strongly believe those limitations will cause lasting harm to our national security and our military readiness and our efforts to decrease American dependence on foreign oil. That is why we are considering an amendment that I cosponsored that will strike one of those troubling provisions in section 313 of the committee-passed bill.

As many of our colleagues are aware, DOD is the single largest consumer of oil in the world, using over 355,000 barrels of oil per day in fiscal year 2011. Even though we have increased the domestic supply of traditional fossil fuels here in the United States, the price of oil is still set on the global market. That means that DOD's fuel bill was significantly more than it had budgeted for, mostly, of course, due to the price of fuel being higher than expected. In fact, in fiscal year 2012, the Navy alone was $500 million over its budget for fuel, and that is just one of our services. So what does that mean? It means our military leaders have had to pull billions of dollars from operational accounts in recent years, which has led to decreased unit readiness, deferred maintenance on some of their critical equipment, and less training for our troops preparing for deployment into harm's way. Conveniently, critics of biofuels leave out these very real threats when they insist on the kinds of harmful policies the amendment we are offering addresses.

It is true that alternative fuels will not replace fossil fuels in the immediate future, but it is also true that replacing even a fraction of the oil consumed by the Department of Defense with domestic alternative fuels will advance our national security and our military readiness, it will save many millions of dollars, and it will protect the Department from the price volatility of the global oil market and spur a domestic industry that will decrease our dependence on foreign oil.

Some of our colleagues have said this is all about the cost of alternative fuel, and they will likely use some misleading figures attributed to a training

exercise that actually, by the way, ended up proving these types of fuels work seamlessly. But the truth is that the cost of biofuels has decreased by over 50 percent in the last 2 years alone. The truth is that the test fuel purchase they like to mention was only 0.3 percent of the Navy's annual fuel bill. And the truth is that those concerns over costs don't take into account the very real and very high price of inaction and continued dependence on oil.

I mentioned earlier that the Department uses 355,000 barrels of oil every day. The Department estimates that for every 25-cent increase in the price per gallon of oil, it will spend over $1 billion in additional fuel costs. Given the high price of oil and gas, that is not a bet I want to make long term.

We are facing difficult fiscal times, as everyone here knows, and the Department of Defense, like the rest of the Federal Government, has to make sure it is responsibly spending taxpayer dollars—today and tomorrow. The Department's efforts to develop alternative fuels is in keeping with the best traditions of military technology development programs.

In the past, programs have brought us products that have benefited both DOD and the civilian users, such as GPS or jet engines, microwave ovens, and cell phones. Our Navy pioneered the transition from sails to coal, from coal to oil, and from oil to nuclear power. I know we can make the next leap to alternative fuels—and we need to.

Our Nation's reliance on foreign oil is a significant and well-recognized military vulnerability. Our military leaders are telling us the ability to use fuels other than petroleum is critical to our national energy security. The Department is strongly opposed to the language limiting its flexibility in the committee-passed bill, and DOD supports our amendment.

I urge our colleagues to join us and support the amendment we will be voting on shortly and strike this troubling provision.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3051

Mr. MCCAIN. I ask unanimous consent the following Senators be added as cosponsors to my amendment No. 3051: Senators INHOFE, AYOTTE, BROWN of Massachusetts, and WEBB.

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

The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent Senator BOXER also be allocated 5 minutes to speak on the pending amendment.

The PRESIDING OFFICER. Is there objection? The Senator from Arizona.

Mr. MCCAIN. Mr. President, are we going to voice-vote the amendment at this time?

Mr. LEVIN. Can I ask the Senator from Montana if he wishes to speak on the Udall amendment?

Mr. BAUCUS. Correct.

Mr. LEVIN. Mr. President, I know of no further debate on Senator MCCAIN's amendment No. 3051. We are not quite ready.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2985

Mr. BAUCUS. Mr. President, I thank my good friends from Michigan and Arizona for their gracious willingness to find an opportunity for me to make a brief statement.

I rise today in strong support of the amendment to protect the military's ability to purchase American-made fuels.

Powering our military with American-made energy makes our country safer and our economy stronger. Tying our hands and forcing the American military to depend on foreign oil is short-sighted and dangerous. Instead, we need to give our commanders the flexibility to power our military with homegrown energy, like Montana camelina that supports jobs right here in America.

The Department of Defense is the largest single user of oil in the world—consuming more than 355,000 barrels of oil per day last year. Despite increased domestic production of fossil fuels, rising global prices and market volatility caused DOD's fuel bill to rise by more than $19 billion in 2011. The trend is expected to continue.

This is why I strongly support the efforts of our military leaders—that is what they want—to develop and employ alternative fuels. Our military leaders recognize the problem of rising fuel costs and dependence on foreign oil. The Pentagon's largest energy user, the Air Force, has established a goal of purchasing half of its domestically consumed aviation fuel from alternative sources by the end of 2016. The Navy has also invested in the F–18 Green Hornet program—a fighter jet powered by a biofuel blend.

The DOD relies on a sustainable biofuel market to meet its goal of lessening the nation's dependence on foreign oil. It is very important to the Pentagon. Regrettably, a provision in the underlying bill will limit our military's ability to develop alternative fuels.

Members on both sides of the aisle are concerned that this section of the Committee-passed bill would cause harm to our national security and military readiness. That is why I am fighting to allow the Pentagon to enter into long-term deals to buy biofuels as long as they are made right here in the USA.

Montana is in the perfect position to provide the homegrown fuels our Nation needs to move toward energy security.

There is clearly a demand from both the military and the private sector to use American-made biofuels.

In 2011, the Navy, the Department of Energy and the Department of Agriculture aimed to assist the development and support of a sustainable commercial biofuels industry. They investigated the development biofuels as alternatives to diesel and jet fuels.

The agreement included Montana farmers and corporations. Limitations placed on our military's procurement of alternative fuel would be detrimental to Montana's alternative fuel industry.

As a result of investing in biofuels, renewable Montana-grown crops like camelina have been used by our military as the predominate feedstock for biofuel blends. I call these freedom fuels. Why? Because they help get us off of foreign oil and help bring good paying jobs to Montana.

Researchers at Montana State University Northern in Havre, MT showed early that camelina to be a promising dryland crop for use in biodiesel and other bioproducts. Camelina, also known as ''Gold of Pleasure,'' is an oilseed crop that includes canola, mustard and broccoli. The small-seeded, cool-climate crop has been grown in Europe and the Northern plains of the United States.

Since its initial production, the cost per gallon of camelina-based fuel in Montana has dropped annually by half.

That is another reason why I think it makes sense to ramp up our domestic energy production, whether it is biofuels wind, coal, oil, natural gas, or hydropower. We need an energy policy that puts America back in control. We must reduce our dependence on foreign oil and work to develop all of our domestic resources—just like we have in my State of Montana.

Alternative fuels will not replace fossils fuels all-together—no way. However, replacing even a small fraction of fuel consumed by our military with alternative fuels made here in the United States can improve strategic flexibility, insulate the defense budget from spikes in the cost fossil fuels, create good-paying jobs for Americans, and make the United States a more secure nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator BOXER be allocated 5 minutes of debate time on the Udall amendment.

The PRESIDING OFFICER. Is there objection?

AMENDMENT NO. 3051

Mr. LEVIN. We are waiting for just one further word on the McCain amendment. We hope to be able to voice-vote that in the next few minutes.

The PRESIDING OFFICER. On the matter of Senator BOXER, without objection, it is so ordered.

Mr. LEVIN. Mr. President, I support the McCain amendment.

Mr. MCCAIN. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3051) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, was Senator BOXER's 5 minutes agreed to?

The PRESIDING OFFICER. Yes.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, I ask unanimous consent that there be a period of debate only on S. 3254, the Defense authorization bill, until 2 p.m.

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

Mr. LEVIN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FISCAL CLIFF

Mr. NELSON of Florida. Mr. President, while we are waiting for further debate on the Defense authorization bill and any possible amendments, I wanted to offer a couple of comments regarding all of the concern in the Nation about the fiscal cliff as we approach that fateful day of December 31 and the need to get something done.

In the opinion of this Senator, sequestration, which is this additional cut of $1 trillion in a most unorthodox way, is like a meat cleaver coming down and cutting off—I am rounding here—$½ trillion off defense and $½ trillion off nondefense discretionary. Sequestration, let us remember, in the historical context was never supposed to happen. Sequestration was a mechanism that was set up in the Budget Control Act in August 2011, almost a year and a half ago. The act called for $1 trillion to be cut off of the top to begin with, and it set up a process by which additional deficit reduction over a 10-year period would occur. That process was—after the $1 trillion was whacked off, which it already has been—a supercommittee of six from the House and six from the Senate would deliberate and a majority vote of that committee of 12 could determine additional deficit reduction that would apply over the next 10 years.

To give a little incentive for that supercommittee not to deadlock, the process of sequestration was set up which, in effect, was this meat cleaver that in a nondiscriminate way was going to drop a meat ax approach of another $½ trillion out of defense and $½ trillion out of nondefense discretionary, which nobody wanted. It was never contemplated sequestration was going to go into effect because the effects were going to be so onerous that surely people of goodwill could come together on a 12-member committee and not deadlock. But, instead, at least one would provide the majority, even if it were only 7 to 5 out of the 12, because the alternative was so unpalatable.

Of course, we know what happened. People of goodwill, in this highly charged atmosphere of the coming Presidential election—this is almost a year and a half ago—could not agree. The ugly head of excessive partisanship raised itself, and the ugly head of excessive ideological rigidity raised itself, and the supercommittee deadlocked 6 to 6 which, under the law, left the meat cleaver to drop, the budget meat ax to drop. That is what we are facing today. We are facing something that nobody ever intended to go into effect.

So how do we get out of this? We have people of goodwill that have to be reasonable and utilize a little common sense, lessen their partisanship, lessen their ideological rigidity. That is the atmosphere under which we can come together.

I wish to tell a story and then I am going to sit down. I wish to tell the story about one of the brightest shining moments in government which occurred back in 1983 when this Senator was a young Congressman. We were within 6 months of Social Security running out of money. Two old Irishmen, one who was President, and his name was Reagan, and the other one who was Speaker, and his name was O'Neill, decided they were going to do something about this. They were reasonable people who could operate in a bipartisan way and in a nonideological way.

They said: What we are going to do is take this subject that is so thorny—namely, Social Security—so thorny at the time of elections, and we are going to take it off the table at the next election so as not to use it as a hammer to beat your opponent over the head, and we are going to do it in the mechanism of a blue ribbon panel that is going to make recommendations on the solvency of Social Security.

That committee met. They reported to the Congress in a bipartisan way, and the Congress passed that recommendation overwhelmingly. The President signed it into law, and that made Social Security solvent for the next 50-plus years from 1983. I think the most current estimates are that it is now something like 2034.

So we see what was done so effectively. But we have to have people of good will who will come together and will do so with some common sense, which is what this place has not been operating on in a long while.

I wanted to share that memory of one of the great moments of government working as our government is intended to work.

With that, I yield the floor.

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.

Mrs. GILLIBRAND. 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. GILLIBRAND. Mr. President, I rise to speak on behalf of the approximately 20,000 military families with loved ones on the autism spectrum. Sadly, thousands of these Americans suffering from autism are not receiving the treatments that are the best practices that have been determined they need. These military families are receiving fewer services than their civilian government counterparts across the country, many of whom have been rightly aided by laws passed in over 60 percent of our States representing over 75 percent of the country's population.

Autism places tremendous strains on our Nation's military families and nonmilitary families—including tremendous health, financial, and emotional tolls. I wish to share briefly just a couple stories from our brave military families.

One veteran was severely wounded in Iraq while heroically serving our country. His injuries forced him to medically retire. Because he is retired, his autistic son Shane was no longer eligible to receive the ABA services he had previously received. The wait list for Medicaid waiver services is over 9 years. Shane's family had to sell their home to pay the roughly $5,000 per month of out-of-pocket expenses that the ABA treatments require that he so desperately needs. The money is running out for their family, and their family's effort is only to do what is best for their son. Without any relief, we risk allowing brave military families just like this one to fall through the cracks.

Another Active-Duty marine, who has served in Iraq and Afghanistan three times, has maxed out his ABA care for therapy treatments to treat his 11-year-old autistic son Joshua. Joshua is nonverbal and his safety is a key concern, so Joshua is prescribed 35 hours of these ABA therapy treatments each week. Due to the severity of Joshua's symptoms, the family is faced with the nearly impossible decision of forgoing the recommended care for their son or paying the bills out of pocket as long as they are able to.

In my opinion—and it is shared by many families—this should never happen to any child, but it should also particularly not happen to the child of someone from our military service. That is why I am submitting an

amendment requiring TRICARE to cover medically recommended autism treatments, including ABA therapy, in a manner that is consistent with best practices so our military families, our heroes, get the care they need for their children, children such as Shane and Joshua.

Every parent who has a child with autism faces challenges in ensuring that their child has access to the treatments they desperately need. For military families, these challenges are often compounded by frequent deployments overseas, frequent movements to different bases across State lines, and sometimes gaps in coverage.

Today, TRICARE coverage of ABA is severely limited. It is capped at $36,000 per year for an Active-Duty servicemember. This falls far below what is medically recommended. This care is limited to Active-Duty servicemembers only. Guard and Reserve families receive intermittent care, and children of retirees cannot get any coverage at all.

As a consequence, military servicemembers must often turn to State-run Medicaid programs to help their children, but these programs are often unavailable to a mobile military family because of the extensive wait lists. In Maryland, for example, the wait is 17 years long, essentially eliminating ABA coverage during the early development years when a child needs it most. The wait list in Virginia, for example, is over 10 years long.

Even more remarkable than TRICARE not covering these treatments is that the Office of Personnel Management has already determined that such treatments may be covered as medical therapies for Federal civilian employees. A recent court decision, which DOD is still reviewing and may appeal, determined that TRICARE must cover these treatments, but this decision is being applied under the most narrow definition in the interim, limiting the potential pool of providers. This amendment basically requires TRICARE to provide coverage and deliver services in a manner that is consistent with best practices. This would, thereby, improve access to care for our military families, and it would finally align TRICARE with the other types of coverage that is available in civilian sectors.

We have a duty to stand by our military families and to address this very difficult health issue that affects their children. When we ask our men and women to serve, we promise we will support them and their families. This amendment simply fulfills that promise.

I also rise to speak about another issue concerning the armed services authorization bill, and this is equally as serious and troublesome; that is, the issue of sexual violence.

While the vast majority of our servicemembers serve our country honorably and bravely and are simply the best our country has to offer, sexual violence in the military continues to occur at an alarming rate by a minority of servicemembers who should not be serving.

Despite Secretary Panetta's efforts to create a zero-tolerance policy in 2011, still more than 3,000 military sexual assaults were reported. But the DOD's estimates themselves indicate that number is much closer to 19,000 cases.

In the words of DOD:

> [Sexual violence in the military] is an affront to the basic American values we defend, and may degrade military readiness, subvert strategic goodwill, and forever change the lives of victims and their families.

All our service branches have in place some version of a policy that sends convicted sex offenders to an administrative separation process for discharge. However, the most recent Annual Report on Sexual Assault in the Military shows that in fiscal year 2011, 36 percent of convicted sex offenders remained in the Armed Services, despite these policies.

If one-third of convicted sex offenders within the military are being retained, then clearly we must do better. Creating a uniform standard to correct deficiencies in the respective branch policies would be a good step forward.

Experts reviewing current policies have found that the Navy has established a mandatory policy that calls for administrative discharge of any personnel who are convicted of a sex offense.

My amendment would require the Department to oversee that each service branch establish policies that would mandate servicemembers convicted of a sex offense be processed for administrative separation. This means each such perpetrator would get due process but that the process would be required.

This amendment is common sense, and it is one that would strengthen the policies the services have actually already put in place and reinforce DOD's zero-tolerance policy.

I am very pleased Senators COLLINS and SNOWE have joined me as cosponsors of this amendment, and I wish to thank them for their leadership.

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. CARDIN. 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. CARDIN. I ask unanimous consent to speak as in morning business.

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

(The remarks of Mr. CARDIN are printed in today's RECORD under ''Morning Business.'')

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

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

AMENDMENT NO. 2985

Mr. WEBB. Mr. President, I would like to speak on the Udall amendment. I have great admiration and respect for the Senator from Colorado as well as his cousin who now presides. I have concerns about this amendment that were raised during the committee markup. I think they have become even more of a concern since that time period.

Let me begin by saying as someone who spent 5 years in the Pentagon, one as a marine and four as a defense executive, I would hope that the top order of business for our President as he begins his next term would be to call for a reexamination, a rigorous reexamination of all of the programs in the Department of Defense.

In other words, not quite to zero-based but to examine the justifications for all of the programs that are in place with an eye toward the realities of the future, I think we could benefit as a country. People who care about national security, but also care about the tax bills they are getting, would benefit as well from something of a triage of the programs in the Department of Defense.

We should ask the Secretary of Defense and his people who work—or her—with these programs to examine which programs in DOD are the must-haves, which are absolutely vital to our national security, and which programs are the need-to-haves, the programs that might place our national security at some level of risk if they were to be altered or modified. Then we also need to have some painful examination of programs that might be called the nice-to-haves, those that are essentially ancillary to the harder definitions of national security, even though they have been supported.

I would say these, the costly biofuels programs, in the sense that we are proposing to fund them in the operational environment at this time, would have to qualify as nice-to-haves. That does not mean we should eliminate the biofuels programs. There is money in R&D to continue to examine them.

But I will tell you, Mr. President, what a must-have is. A must-have is our shipbuilding program. When I was commissioned in the U.S. Marine Corps in 1968, we had 930 combatant ships in the U.S. Navy. By the time we went into the post-Vietnam drawdowns, we had 479 combatants.

When I was Secretary of the Navy in 1987–1988, we were able to rebuild the Navy up to 568 combatants. Since that time, national strategy has changed. Our commitments have changed, but the size of the Navy has been dramatically reduced down to the point where today it is about 285 operational combatant vessels.

We have been trying, since I came to the Senate, to rebuild the Navy up to a

minimum of 313 combatants. It is very difficult to do this when we have other programs in place that are not directly contributing to our national security but are competing for programs.

I understand the concerns about energy independence. I also would like to remind my colleagues of the advances we have made in this country in that area just over the past few years in a way that many of us could not even have imagined 6 years ago when I came to the Senate. The International Energy Agency just made a report called ''The World Energy Outlook,'' and in this report as summarized by Reuters the United States, according to their estimates, will overtake Saudi Arabia and Russia as the world's top oil producer by 2017.

IAEA Chief Economist Faith Birol told a news conference in London that he believed the United States would overtake Russia as the biggest gas producer by a significant margin by 2015, and by 2017 it would become the world's largest oil producer.

Will this prediction hold out? I don't know, but are we on our way toward significant gains in terms of our energy independence? Yes, we are. The language in section 313, which this amendment proposes to strike—I want to be very clear about this—does not affect programs that have been discussed here in such areas as hydrogen fuel as a fuel of choice for engine design or doing away with R&D dollars. It is just not true.

It states, in part, that this restriction goes to the cost of producing or purchasing alternative fuels if they exceed the cost of producing traditional fossil fuel that would be used for the same purpose—very narrowly defined.

There is a second paragraph in section 313 that goes to an exception to this program, which only applies to 50–50 blends of fuels. I personally believe that section should be modified and actually could be modified in conference. I think it is too narrow. But in general this is not a paragraph that totally does away with the biofuels program in the Department of Defense.

We have to make decisions. We have to get competitive programs into the Department of Defense. We must increase the readiness. We are not proposing to decrease the research and development programs. For those reasons, I will be opposing this amendment with the hope that we can continue the R&D programs for biofuels.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am going to be very proud to support amendment No. 2985. I think it has to do with our military readiness; I think it has to do with our national security; and I think that the fact that we have this opportunity is commendable. I thank Senator UDALL for it.

Striking section 313 is important because that section harms DOD's ability to diversify its fuel supplies by developing and using effective alternative fuels.

Now, lots of colleagues can come down here and proclaim this isn't important or it is important. You know what. I want to listen to the DOD themselves and what they say. There was an Armed Forces press service news report in July 2012, and this is what they said:

> Smart investing and less reliance on petroleum-based fuels will help ensure an agile, lethal, and adaptable combat force, and, ultimately, national security.

So, Mr. President, I was distraught when I heard that the Armed Services Committee, by one vote, put in the section that would stop the ability of the DOD to invest in these very important fuels so they can have an ''agile, lethal, and adaptable combat force and, ultimately, national security.''

Now this is coming from the DOD. Why on Earth would anyone support something that the DOD tried to take away, the ability of the DOD to have an agile force?

I don't understand it. I can't understand it. The report also quotes Assistant Secretary of Defense Sharon Burke who said:

> The department is going to have ships, planes and vehicles that were designed to use petroleum fuels for a very long time to come. . . . [Alternative fuels] investment ensures our equipment can operate on a wide range of fuels, and that's important for our readiness over the long term.

How many wars do we have to have over oil?

How many wars do we have over oil? I can tell you a story from a colleague of mine who said he went up to the White House when George W. Bush was President before the Iraq war, and George W. Bush had pictures of all the oil wells in Iraq.

If anyone says there was no connection to oil and that war, I would say they are wrong. I have met with many veterans who say the same thing. They don't want to go and fight and die for oil.

So this is of critical importance, this vote. There is no more important mission for the Department of Defense than to fight and win battles needed to defend our Nation and return our troops home safely to their families.

Section 313 could undercut the ability of the Department of Defense to achieve these goals.

In a letter to Senator UDALL, Vice Admiral Cullom said:

> Section 313—

That's the section we are trying to strike—

> Section 313 is overly broad and has the potential to restrict investments that would address tactical and operational needs for our Navy. . . . As fuel technologies advance, the Navy may wish to test and satisfy multiple types of alternative fuel, including some that might be 100 percent alternative fuel, not a blend.

Why would anyone in this Senate want to stop us from developing alternative fuels? I don't get it. We are trying so hard to become energy independent. We have made great success under President Obama with fuel economy in place and investment in alternative energy.

The military says it is important for them to ''ensure an agile, lethal and adaptable combat force, and ultimately, national security.'' Their words. In addition to everything else, this is a need that the military has definitely outlined for us.

A Statement of Administration Policy on the House Defense authorization bill, which contains a nearly identical provision, says that affecting DOD's ability to procure alternative fuels in this way would ''further increase America's reliance on fossil fuels, thereby contributing to geopolitical instability and endangering our interests abroad.''

Some of the same people who called for boycotts on Iran, which I support, somehow believe it is not important for us to be free from reliance on those kinds of countries for our oil. It makes no sense. We can't make these compartments. We are going after countries that have oil, and we are right to do it because they are dangerous, many of them. We are embargoing. We have embargoes on many of them. We have sanctions on many of them. At the same time, with the other hand we are saying to the DOD: Forget about alternative fuels. It makes no sense from a national security perspective.

In addition to harming the military's ability to achieve its goals that I have outlined here, that were written very clearly by the Defense Department itself, section 313 precludes research into fuels such as hydrogen, which has the potential to power some military vehicles over much longer missions.

I have been around a while. Something tells me Big Oil is calling the shots. I would hope not, but I don't understand why this section, which Senator UDALL is trying to strike, is in this bill when the military says it is critical for them to continue this program.

The section could also prevent DOD from purchasing fuels that are sold today in the United States, such as E–85, which is 85 percent ethanol. The Department of Defense has flex-fuel vehicles in its suite that can run on E–85.

Can you imagine going after that as well? It would restrict DOD's efforts to develop technologies to generate fuel at tactical locations, including waste to energy. These are precisely the types of technologies in which the Nation should be investing.

I thank Senator UDALL for bringing this to our attention. This is a very important amendment, perhaps one of the most important I have voted on in a long time.

I will close by saying this: If you believe this country should be energy independent, then vote with Senator UDALL. If you believe it is dangerous for us to rely on oil from countries who want to cause us harm, then you

should support the Udall amendment. If you believe it is good for our health, our environment, to invest in alternative energy, then vote for the Udall amendment. It is a win-win-win and, most of all, the military tells us we should continue this program. It is important so that we have an agile, adaptable force, and it is important for our national security.

I will be proud to vote for this amendment.

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

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

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. Without objection, the Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be lifted.

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

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that Senators BAUCUS, COONS, Mr. BROWN of Ohio, LIEBERMAN, STABENOW, CANTWELL, SCHUMER, DURBIN, Mr. JOHNSON of South Dakota, BENNET, BLUMENTHAL, WHITEHOUSE, and COLLINS be added as cosponsors to my amendment No. 2985.

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. UDALL of Colorado. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. 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 question is on agreeing to amendment No. 2985.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 62, nays 37, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—62

Akaka	Collins	Kerry
Baucus	Conrad	Klobuchar
Begich	Coons	Kohl
Bennet	Durbin	Landrieu
Bingaman	Feinstein	Lautenberg
Blumenthal	Franken	Leahy
Blunt	Gillibrand	Levin
Boxer	Grassley	Lieberman
Brown (OH)	Hagan	Lugar
Cantwell	Harkin	McCaskill
Cardin	Hoeven	Menendez
Carper	Inouye	Merkley
Casey	Johanns	Mikulski
Cochran	Johnson (SD)	Moran
Murkowski	Rockefeller	Thune
Murray	Sanders	Udall (CO)
Nelson (NE)	Schumer	Udall (NM)
Nelson (FL)	Shaheen	Warner
Pryor	Snowe	Whitehouse
Reed	Stabenow	Wyden
Reid	Tester	

NAYS—37

Alexander	Enzi	Paul
Ayotte	Graham	Portman
Barrasso	Hatch	Risch
Boozman	Heller	Roberts
Brown (MA)	Hutchison	Rubio
Burr	Inhofe	Sessions
Chambliss	Isakson	Shelby
Coats	Johnson (WI)	Toomey
Coburn	Kyl	Vitter
Corker	Lee	Webb
Cornyn	Manchin	Wicker
Crapo	McCain	
DeMint	McConnell	

NOT VOTING—1

Kirk

The amendment (No. 2985) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MANCHIN. I move to lay that motion on the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 3016

Mr. LEVIN. Mr. President, I now ask unanimous consent that we proceed to the consideration of amendment No. 3016 of Senator GILLIBRAND.

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

The clerk will report the amendment.

Mr. LEVIN. I was going to add something further to the request, and that is that there be 5 minutes of debate on the Gillibrand amendment and then Senator MIKULSKI be recognized to speak as in morning business for 5 minutes.

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

The Senator will suspend for a moment.

Mrs. GILLIBRAND. Mr. President, I request my amendment be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant bill clerk read as follows:

The Senator from New York [Mrs. GILLIBRAND], for herself, Ms. COLLINS, and Ms. SNOWE, proposes an amendment numbered 3016.

Mrs. GILLIBRAND. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for the processing for administrative separation from the Armed Forces of members who are convicted of certain sexual offenses under the Uniform Code of Military Justice and not punitively discharged in connection with such convictions)

On page 138, strike lines 14 through 20 and insert the following:

(8) A requirement that each Secretary of a military department establish policies that require that each member of the Armed Forces under the jurisdiction of such Secretary whose conviction for a covered offense is final and who is not punitively discharged from the Armed Forces in connection with such conviction be processed for administrative separation from the Armed Forces, which requirement shall not be interpreted to limit or alter the authority of such Secretary to process members of the Armed Forces for administrative separation for other offenses or under other provisions of law.

(b) DEFINITIONS.—In this section:

(1) The term ''covered offense'' means the following:

(A) Rape or sexual assault under subsection (a) or (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice).

(B) Forcible sodomy under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice).

(C) An attempt to commit an offense specified in subparagraph (A) or (B) under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(2) The term ''special victim offenses'' means offenses involving allegations of any of the following:

(A) Child abuse.

(B) Rape, sexual assault, or forcible sodomy.

(C) Domestic violence involving aggravated assault.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. GILLIBRAND. Mr. President, I rise to talk about an amendment that I believe is on an incredibly urgent matter.

Today the vast majority, almost all of our servicemembers, serve this country so honorably, so bravely. But there is a very small number who do not, who are engaging in sexual assault in the military. Despite Secretary Panetta's efforts to have a zero tolerance policy in this country, in 2011 alone there were 3,000 military assaults reported, and the Secretary of Defense reports the real number is much closer to 19,000 assaults. In the words of the DOD, sexual violence in the military ''is an affront to the basic American values we defend, and may degrade military readiness, subverts our strategic goodwill, and forever changes the lives of victims and their families.''

My amendment is very simple. Today each of the services have policies that address this issue, but the one that the Navy has is the best. My amendment requires the Department to oversee that each of the service branches has established a policy that would mandate that servicemembers convicted of sexual offenses will be processed for administrative separation.

The reason this is so important is because one-third of convicted sexual offenders in the military are still retained. They are still serving. So, obviously, we must do better. We need a uniform standard to correct these deficiencies in the respective branch policies to be able to serve our military families and our military members as we should.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I know of no further debate on the Gillibrand amendment.

Mrs. GILLIBRAND. Mr. President, I would like to say Senator COLLINS and Senator SNOWE are cosponsors of this amendment.

Ms. SNOWE. Mr. President, I am pleased to rise in support of this amendment, which will require that every military service must establish a crystal-clear, zero-tolerance policy that military personnel who are convicted of a sexual offense will not be permitted to continue to serve our Nation in uniform.

According to the Department of Defense, approximately 3,000 sexual assaults were reported in the military in 2011. Yet some estimate that the actual number of sexual assaults in our military in 2011 is closer to 19,000, accounting for the terrible reality that many attacks are never reported. Without question, this is an entirely unacceptable situation, and is another compelling reason that the Department of Defense, as well as Congress, must continue to do what is necessary to eliminate, once and for all, sexual assaults from occurring within our military ranks.

Unfortunately, as my colleague Senator GILLIBRAND has noted, each of the services have different policies for dealing with military personnel who are convicted of a sexual offense. As a result, according to the Department of Defense's April 2012 Sexual Assault Prevention and Response report, approximately 40 percent of servicemembers who have been convicted of a sexual offense in a courts-martial are not discharged or dismissed as part of that judgment.

Our honorable and law-abiding military personnel deserve far better. And that is why our amendment is so important. By requiring all military services to establish a policy that all who are convicted of sexual assaults must be processed for administrative separation from the military, we will remove from our military ranks sexual assault offenders who threaten the welfare of the men and women of our armed services, as well as their families.

I was very pleased to join with Senator GILLIBRAND in crafting this amendment, and urge my colleagues to join me in supporting its passage today. Unfortunately, our work is not yet done, which is why I have also joined with Senator KLOBUCHAR to develop several additional amendments to this bill in furtherance of the effort to eradicate sexual assault in the military. I urge my colleagues to join us in supporting each of these amendments as well. We owe it to our military personnel to do everything possible to stop sexual assaults from occurring within our armed services.

Mr. LEVIN. I know of no further debate on the Gillibrand amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on the adoption of the amendment, No. 3016.

The amendment was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

Mr. LEVIN. I understand under the unanimous consent agreement the Senator from Maryland is to be recognized for 5 minutes as in morning business.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

THE FISCAL CLIFF

Ms. MIKULSKI. Mr. President, I am not going to linger because there is much to be discussed on the Defense authorization. What I wish to talk about for a few minutes is about the safety and security of the United States of America, meaning our solvency and the demonstration of our ability to govern.

We need a sense of urgency about solving the fiscal cliff problem. We need to end the culture of delay in this institution. I am very concerned that as we talk about solving the problems of the fiscal cliff, there is this whole dynamic going on. There is this whole patter going on, from staff level to Senators. It is, oh, we are going to be here until Christmas Eve.

I think that is a disaster. I think it is a disaster for our economy, I think it is a disaster for the demonstration of our ability to govern, and I think it is a disaster for our standing in the world. We need to show we can govern ourselves, and we can put ourselves on a sound fiscal path with the right combination of growth, frugality, and ensuring a safety net for the most vulnerable of our citizens. I am here to say to my colleagues on both sides of the aisle, both sides of the dome, and even the White House: Let's get the job done. I propose let's really conscientiously work hard to make sure we have a framework that we could vote on by the weekend of December 15.

Why do I want December 15 as a deadline? It is Saturday. Mr. President, you, yourself, have tweeted about—Oh, let's have Saturday as Small Business Week. We have had cyber Mondays. Let's have a strong economy closing of the week before Christmas.

I can tell you, Mr. President, if we show that we can govern and actually pass a bill by Saturday, December 15, that does exactly what I said. It shows that we have a sense of frugality and are on a path where we are solving our issues around debt, but we also have the elements that promote growth and ensure a safety net for the most vulnerable. We could do three things: We could show that we can govern. That would be very big in the mind of the public, that we could govern ourselves. It would be important to the public, and it would be important to the world, particularly those who lend us money.

It would be an enormous sense of boosting consumer confidence 10 days before Christmas. We would show that we are on the way to solving our problems. For those who benefit from either Federal employment or contracts with the Federal Government, there would be stability in their employment.

I can also say as to the stock market we could have a floor under the stock market, and we might even have a jump in the stock market. Just one-third of Americans believe Congress can be counted on to behave like responsible adults—only one-third. They have seen no compromise or cooperation. They have seen lip service. We don't need to be trading pet rocks over what we need to do, and we should not throw them either. We have to come together, both sides of the aisle, both sides of the dome, with the White House.

We do not lack in ideas. The content for a solution is not new. We have had excellent people working on this. We have seen Simpson-Bowles in a report, Domenici-Rivlin, wise heads giving us good ideas. We have had the supercommittee that fleshed out a lot of these issues and knows where the disagreements are. We have had the Gang of 6, the Gang of 8. Let's get to the Gang of 100 and pass this bill. I would be happy with the Gang of 51.

I want to be sure we know, because we do know, the ideas. We do not lack in ideas. What we lack is will and momentum to get this job done. My principles are simple and straightforward: No. 1, let's have a sense of urgency. No. 2, make sure when we look at cuts that we count the cuts that we have already done. For example, the $900 billion we have done in the Budget Control Act because that would also include the $450 billion that we have done in defense spending—the kinds of issues we have talked about. Let's also count the $550 billion that we did in reforming Medicare during health care reform.

We have had good words, now we need good deeds and swift action. Just think what it would mean to reach an agreement by December 15. Americans could see that we can work together. Think about the energy this would unlock to avoid a sequester. Think about what a signal this would be to middle-class people on Main Street as well as the people on Wall Street because business would have certainty, we would have consumer confidence, and we could have a new self-confidence about ourselves that we could govern.

The Presiding Officer and I represent a great State. We represent a State that has an innovative economy, from both the Federal Government and its great Federal labs, such as NIH, to its great national security areas, such as the Cyber Command at Fort Meade. Yes, they would be devastated by a sequester. So would our contractors, both defense and civilians. Great iconic institutions such as Hopkins would take a huge hit in not only research and development but in providing care to the needy, care to the desperate who come from all over the country to get help for a sick child or an aging relative or to get eyesight restored at the

Wilmer Eye Institute. Sure, I am for jobs in Maryland, but I am here trying to stand for America.

We need to show we can govern, and we cannot wait until December 24, that somehow or another this is going to be Santa Claus, because if we don't act soon, we are going to get rocks in our socks, and I think they would be well deserved.

I yield the floor.

Mr. LEVIN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senator from Illinois be allocated 7 minutes to speak as in morning business.

Mr. MCCAIN. Mr. President, reserving the right to object, I ask that the Senator modify his request that the Senator be immediately followed by Senator KYL to offer an amendment, with the proviso that it is cleared by the majority.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

THE DREAM ACT

Mr. DURBIN. Mr. President, we just concluded a Presidential campaign. Who could have missed it? There were a lot of issues that were discussed, but one of particular interest to me was one that involves a personal effort I have made to pass a piece of legislation known as the DREAM Act. I introduced the DREAM Act 11 years ago. Things move slowly in the Senate, but this has taken way too long.

It has been heartening over the years to watch the support for the DREAM Act grow among the American people. It has also been interesting to me that in the last Presidential campaign one of the issues asked of Governor Romney, as well as President Obama, pointblank, was: Are you for the DREAM Act? I guess that says quite a bit for this piece of legislation and the idea and principle behind it.

When I introduced the DREAM Act 11 years ago, it was because I met a young woman from Chicago, Tereza Lee, who was Korean, who came to this country as a child, was raised in the United States, but her parents never filed the necessary documentation. So Tereza Lee was graduating from high school in Chicago, an accomplished pianist, and she had been accepted at the Manhattan Conservatory of Music in the Juilliard School of Music, but she was undocumented, she was not a citizen, she was not here legally.

So she came to our office and asked what she could do, and we had to advise her mom, under the law, Tereza, having lived in this country for more than 16 years, had to leave and go back to Brazil, where her family had been before they immigrated to the United States, wait 10 years, and then try to come back in. What a waste of talent. So I introduced the DREAM Act to give her and many like her a chance—a chance to be legalized, to become part of America.

Over the years, we have had many votes. I have always had a majority vote on the floor, a bipartisan majority vote, but I have been unable to break the filibuster from the other side of the aisle.

Well, now this issue's time has come because this President issued an executive order earlier this year to allow those who have been here and would qualify for the DREAM Act to stay without deportation if they registered, made it clear that they qualified otherwise for the DREAM Act, had no serious criminal past that would jeopardize anyone in the United States, and go through the process of review to be fingerprinted, to be basically identified as part of the system.

It was a great leap of faith for these young people, who had been here for so many years hiding, to step up in front of somebody and say: I am going to report myself to the Government of the United States. But they did it. Tens of thousands did it, and they continue to.

This deferred action that is being offered to so many of these young people gives them a chance now to work in the United States, to go to school in the United States, and to be here legally. That is why this issue is so important. But we are far from finished. We have not passed the law. We have an executive order from the President that gives them this chance.

This weekend, in Kansas City, MO, hundreds of DREAMers—that is what we call these young people now—are going to get together. They are part of the largest national organization of DREAMers: United We Dream. They will be planning their next effort—advocating for immigration reform legislation that will bring them and their families out of the shadows once and for all and give them a chance to earn their way to legal status and citizenship in America.

One part of immigration reform—the DREAM Act—is near and dear to me. But I want to see comprehensive immigration reform before it is all over. We know if we pass the DREAM Act, it will help the economy, creating new jobs and economic growth when the talent of these young people, as they come out of high school and college, is brought into our economy.

In my home State of Illinois, by 2030, the DREAM Act would contribute $14 billion in economic activity and DREAMers would create up to 58,992 new jobs.

I come to the floor of the Senate frequently to tell their stories. They used to hide in the shadows. They did not want to talk about who they were because they were undocumented and afraid of being deported. Many were deported. But I came to the floor to tell the stories of those who had the courage to step up and identify themselves and run that risk, just so people knew who they were.

I will tell a story today about Pierre Beranstain.

Pierre and his sister were brought to the United States by their parents from Peru in 1998, when they were children. Pierre did not speak a word of English when he first arrived in Carrollton, TX, but he worked hard to learn English. He excelled academically and was accepted into the Academy of Biomedical Professions in his high school.

In 2006, Pierre was accepted at Harvard, one of the best universities in our country. He went on to get a bachelor's degree with honors. He is currently pursuing a master's degree at Harvard Divinity School.

In addition to working on this graduate degree, he is active in his community. Among many other volunteer activities, Pierre works at Renewal House, a domestic violence shelter in Boston.

His volunteer work led Harvard to award Pierre the Thomas E. Upham Scholarship, which is given to an outstanding graduate student committed to public service.

Pierre recently wrote an article about growing up as an undocumented immigrant. This is what he said:

> I am not a criminal, a monster, a predator, or someone who sits at home doing nothing substantive or meaningful. I care for this country; I care for its successes as well as its struggles, for its joys as well as its sorrows. I am not asking that our government maintain an open-door policy for immigrants. I am simply asking that it give an opportunity to those of us who have proven ourselves.

Well, Pierre is right. America needs young people just like him, who love their country and are dedicated to caring for our society's most vulnerable.

So what do the American people think about the idea of the DREAM Act? Listen to a recent poll. A Bloomberg poll found that 64 percent of likely voters—almost 2 out of 3, including 66 percent of Independents—support the policy, compared to only 30 percent who oppose it. By a margin of 2 to 1, the American people know this is the right thing to do.

Now we need to pass comprehensive immigration reform. On our side, the negotiating effort will be led by Senator SCHUMER of New York, who chairs the Immigration Subcommittee, and a number of us will join in that effort. We are going to join with those on the other side—Senators JOHN MCCAIN, LINDSEY GRAHAM, MARCO RUBIO, SUSAN COLLINS, RAND PAUL, and Senator-elect JEFF FLAKE—who have expressed an interest in this issue to make sure we move forward in a bipartisan fashion to try to finally find a solution to immigration reform.

Let me close by thanking Senator JON KYL and Senator KAY BAILEY

HUTCHISON. Yesterday they introduced the ACHIEVE Act, which has been called the Republican version of the DREAM Act. I have worked with them for a long time. We share many of the same ideas. We have some differences. I have some concerns, but I appreciate that Senator KYL and Senator HUTCHISON have come forward with this proposal.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent for 2 additional minutes, please.

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

Mr. DURBIN. I am sorry I will not have the chance to work with these two Senators on this measure because they are both retiring. But I hope we can build on what they have offered on their side of the aisle in a bipartisan fashion.

In that spirit, let me point out two major concerns with the ACHIEVE Act. The bill is limited to young people who arrived in the United States since the age of 13 or under. That would have the effect of excluding DREAMers who were brought when they were still children at the age of 14 or 15.

Let me give you two examples of people I know.

This is a picture I have in the Chamber of Tolu Olubunmi. She was brought to America from Nigeria when she was 14 years old. Tolu obtained a bachelor's degree in chemical engineering 10 years ago. She still cannot work as an engineer. We can use her talent.

Let me also show you a picture of Novi Roy. He was brought to America from India when he was 14 years old. Novi graduated from the University of Illinois at Urbana-Champaign with a bachelor's degree in economics and two master's degrees, one in business administration and one in human resources. His dream is to help provide affordable health care to a lot of people who do not have it in America.

Tolu and Novi should be eligible for the DREAM Act. They would not be under the ACHIEVE Act. The other thing is, I want them to have a path to citizenship. At the end of the day, after they have earned their stripes, paid their price, paid the taxes, did everything they were supposed to do, give them a chance—not to go to the front of the line but the back of the line—and give them a chance to be American citizens. It is the right thing to do.

It is time for this to become a truly bipartisan issue. I hope in the next Congress we can truly come together for the sake of these young people, and so many others just like them all across America, to finally let their dream come true.

Mr. President, I yield the floor.

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

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

AMENDMENT NO. 3123

Mr. KYL. Mr. President, I send an amendment to the desk No. 3123.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. LIEBERMAN, Mr. INHOFE, Mr. RISCH, Mr. LUGAR, Mr. DEMINT, Mr. CORNYN, Mr. RUBIO, Mr. WICKER, Ms. AYOTTE, Ms. COLLINS, and Mr. SESSIONS, proposes an amendment numbered 3123.

Mr. KYL. 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 as follows:

(Purpose: To require regular updates of Congress on the military implications of proposals of the United States and Russia under consideration in negotiations on nuclear arms, missile defense, and long-range conventional strike system matters)

At the end of subtitle F of title X, add the following:

SEC. 1064. BRIEFINGS AND CONSULTATIONS ON THE MILITARY IMPLICATIONS OF PROPOSALS OF THE UNITED STATES AND RUSSIA UNDER CONSIDERATION IN NEGOTIATIONS ON NUCLEAR ARMS, MISSILE DEFENSE, AND LONG-RANGE CONVENTIONAL STRIKE SYSTEM MATTERS.

(a) BRIEFINGS AND CONSULTATIONS.—

(1) BRIEFINGS.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter, the Secretary of Defense shall, in coordination with the Chairman of the Joint Chiefs of Staff, provide to the appropriate committees of Congress a briefing on the military and strategic implications of any offer or proposal, by either the Russian Federation or the United States, to limit or control nuclear arms, missile defense systems, or long-range conventional strike systems, including any proposal as part of formal negotiations between the two countries or otherwise exchanged between official entities of the two countries.

(2) BASIS OF QUARTERLY CONSULTATIONS.—The briefings under paragraph (1) shall serve as the basis for quarterly consultations to be provided by the Secretary to the appropriate committees of Congress on any current proposals described in that paragraph.

(b) SENSE OF CONGRESS.—It is the sense of Congress that any agreement of the United States with the Russian Federation related to missile defense, nuclear weapons, or long-range conventional strike systems that would limit, constrain, or reduce the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section, 2, clause 2, of the Constitution of the United States, as consistent with section 303(b) of the Arms Control and Disarmament Act.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

Mr. KYL. Let me begin by saying that I send this amendment to the desk with an understanding of the chairman of the Foreign Relations Committee and of the Armed Services Committee that before I would request a vote on this amendment, we would work out the language, the specific language of this amendment, along with the ranking members, and would not ask for a vote unless that is achieved.

This amendment has been offered not only for myself, but also Senators LIEBERMAN, INHOFE, RISCH, LUGAR, SESSIONS, DEMINT, CORNYN, RUBIO, WICKER, AYOTTE, and COLLINS. Our purpose is to get a greater involvement at an earlier stage of the Senate in discussions between the United States and the Russian Federation regarding nuclear arms, missile defense, and potentially long-range conventional strike systems. These are all three matters that have been the subject of treaties and agreements.

There has been an indication by different people within the administration, indeed even the President, that he may be wanting to talk to the Russian Federation representatives about additional agreements in these areas.

There have been concerns that the Congress is not adequately briefed on those discussions and certainly not at an early enough date. Clearly, if these agreements reach a formal stage, they can require ratification by the Senate. We think it is important that they not be, in effect, negotiated in their entirety before they are known to the Senate and before some input from Members of the Senate can be provided to the administration.

What the amendment as originally introduced therefore would do is to require regular updates of Congress on the military implications of proposals that the United States and Russia have under consideration in their negotiations on nuclear arms, missile defense, or long-range conventional strike systems, and in its current form would require the Secretary of Defense to brief the Foreign Relations, the Armed Services, and the Appropriations Committees.

One of the changes that we might want to make here is that the briefings might include other groups within the Congress as well. These briefings could occur, under this proposal, no later than 30 days after the act goes into force, and would affect the quarterly briefings where the administration would, on a quarterly basis, provide consultation between the Congress and the Secretary of Defense regarding any proposals to limit or reduce nuclear arms, missile defense or, as I said, long-range conventional strike systems.

The amendment also does something else which we may have to modify the language of, but it would express the sense of Congress that any agreement between the United States and Russia

that would limit or constrain or reduce our missile defense or our nuclear weapons or long-range conventional strike systems in any militarily significant manner could only be done pursuant to the treaty-making power of the President as set forth in the Constitution. And that, of course, is in order to protect our right to consult, provide advice and consent to any matters that reach that level of negotiation between the administration and, in this case, the Russian Federation.

We will have more to say about this if we have an opportunity to further debate. As I said, I am happy to sit down with the chairman of the Senate Foreign Relations Committee and the Armed Services Committee to consider any changes they might want to make to this language with the purpose of getting it adopted, rather than just having something to talk about.

This is something we need. Congress needs to be advised. We need to be consulted on matters this important. I do not think the administration would argue with that; it is a matter of coming to an agreement on how we would actually do it.

I appreciate the cooperation of the chairman of the committee and the ranking member.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my friend from Arizona, Senator KYL, for his willingness to sit down and try to work this out in a way which is satisfactory to him and the Foreign Relations Committee. We very much appreciate that. We know what he is after and we believe there should be consultation. So we are trying to make that happen.

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.

AMENDMENT NO. 3099

(Purpose: To improve mental health care programs and activities for members of the Armed Forces and veterans)

Mrs. MURRAY. Mr. President, I call up amendment No. 3099.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 3099.

Mrs. MURRAY. 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.'')

Mrs. MURRAY. Mr. President, the amendment that is pending in front of us is to improve the mental health and suicide prevention services. It is language that is derived from our Mental Health ACCESS Act, which was unanimously approved by the Veterans' Affairs Committee.

This amendment is critical legislation that improves how DOD and VA provide mental health care. I think everyone in this body knows about it and is distressed by the alarming rate of suicide and mental health problems in our military and veterans populations.

We know our servicemembers and veterans have faced unprecedented challenges, multiple deployments, difficulty finding a job here at home, isolation in their communities, and some have faced very tough times reintegrating into family life with loved ones trying to relate but not knowing how. These are the challenges our servicemembers and veterans know all too well. But even today as they turn to us for help, we are losing the battle.

Time and again we have lost servicemembers and veterans to suicide. While the Departments of Defense and Veterans Affairs have taken very important steps toward addressing this crisis, we know more does need to be done. We know any solution depends on reducing wait times and improving access to mental health care. We know they need to have the proper diagnosis, and we know we need to achieve true coordination of care and information between the Departments of Defense and Veterans Affairs.

What this amendment does is require a comprehensive, standardized, suicide prevention program across the Department of Defense. It requires the use of best medical practices in suicide prevention and behavioral health programs to address some serious gaps that exist in the current programs, and this amendment expands eligibility for VA mental health services to family members of our veterans. This amendment would also give servicemembers an opportunity to serve as peer counselors to fellow Iraq and Afghanistan veterans and create a quality assurance program for the historically troubled disability evaluation system.

It would require the VA to offer peer support services at all medical centers and create opportunities to train more veterans to provide these needed peer services. It will require the VA to establish accurate and reliable measures for mental health services.

We must have an effective suicide prevention program in place. It is often only on the brink of crisis that a servicemember or a veteran seeks care. If they are told, sorry, we are too busy to help you, we have lost the opportunity to help them. To me and to all of us here, that is not acceptable.

I wish to thank Senator LEVIN and Senator MCCAIN for their work on this Defense authorization bill and for their help in bringing this amendment to the floor today. I believe there are no objections to this amendment, and I hope we can move it as quickly as possible.

I would ask unanimous consent to add Senator BAUCUS as an original cosponsor.

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

The Senator from Michigan.

Mr. LEVIN. Mr. President, I wish to commend and thank Senator MURRAY for her huge effort in this area. Her efforts on behalf of our veterans and our troops have been instrumental in bringing some of the corrections that are needed to the forefront, and we very much welcome this amendment. It touches issues which are very much on the minds of most Americans; that is, the mental health care we provide for our veterans and for our troops.

I simply not only support this amendment, but I wish to commend Senator MURRAY for her leadership and her initiative and I hope and believe it can be passed on a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3099.

The amendment (No. 3099) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. LEAHY. Madam President, I know we have matters under discussion with the distinguished chairman and the distinguished ranking member of the committee. I have discussed with them that I am not bringing up an amendment at this point. But let me talk about an amendment that I will bring up and expect to pass at some point.

The amendment I will call up at some appropriate point is legislation I have been trying to get enacted for more than 3 years called the Dale Long Public Safety Officers' Benefits Improvement Act. This legislation improves the Public Safety Officers' Benefits Act, which is the Federal death and disability program for our Nation's first responders who are killed or disabled in the line of duty.

Just so Senators will know, an earlier version of this legislation was adopted here on the Senate floor by voice vote in December 2011. The Presiding Officer will recall it was almost exactly a year ago when we brought that up. It was adopted as part of the FAA Air Transportation Modernization and Safety Improvement Act. During the course of conference negotiations related to the FAA legislation, the House Judiciary chairman LAMAR SMITH and I negotiated additional measures to be added to the legislation. Our work together produced a package of improvements that contains a modest expansion of benefits for deserving emergency medical responders, and a host of reforms to make the Public Safety Officers' Benefits program stronger, more effective, and more cost efficient.

The legislation has become one of the cornerstones of the partnership we have between the Federal Government and our first responders and will make that partnership even stronger. In fact, the reforms Chairman SMITH and I developed in consultation with the Department of Justice and the first responder community completely offset and eliminate an estimated modest increase in spending.

Unfortunately, at that time, due to an error made by the Congressional Budget Office, the matter was dropped from the FAA conference report. The CBO, to their credit, later corrected their error, and provided an official cost estimate which makes clear this legislation will result in no new Federal spending. I ask unanimous consent to have printed in the RECORD a copy of that letter.

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

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

June 22, 2012.

H.R. 4018—PUBLIC SAFETY OFFICERS' BENEFITS IMPROVEMENTS ACT OF 2012

As ordered reported by the House Committee on the Judiciary on June 6, 2012

CBO estimates that implementing H.R. 4018 would have no significant cost to the federal government. Enacting the bill could affect direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that any effects would be insignificant for each year. The legislation would not affect revenues.

Under current law, the families of public safety officers who have died as a result of injuries sustained in the line of duty are eligible for a one-time payment of about $320,000. Public safety officers who have been permanently disabled are eligible for the same payment, but this payment is subject to the availability of appropriated funds.

This legislation would make members of rescue squads or ambulance crews operated by nonprofit entities eligible for benefits paid when public safety officers are permanently disabled or die as a result of injuries sustained in the line of duty. H.R. 4018 also would narrow the eligibility of members of rescue squads or ambulance crews for benefits under the Public Safety Officers' Benefit (PSOB) program; as a result, some individuals would no longer receive benefits that they could receive under current law. The bill would prevent individuals from receiving certain benefits under the program if they receive payments from the September 11th Victim Compensation Fund of 2001. In addition, the proposed legislation would make many technical and administrative changes that aim to expedite the processing of claims for benefits.

Based on the number of fatalities of members of nonprofit rescue squads or ambulance crews in recent years, CBO expects that, on average, a few persons each year would be affected by the proposed legislation and that additional payments from the PSOB program would be made. CBO estimates that those payments would total $13 million over the 2013–2022 period. However, based on information from the Department of Justice, we expect that those costs would be offset by savings from other provisions of the bill that would result in fewer persons receiving PSOB payments than will receive them under current law. As a result, CBO estimates that enacting the legislation would have no significant net effect on direct spending or discretionary spending from the PSOB program.

H.R. 4018 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

Mr. LEAHY. Despite our setback, Chairman SMITH and I were, and have remained, determined to move forward. I know I have his full support for inclusion of this measure in the Defense authorization measure we now consider, and I greatly appreciate the efforts he made in a bipartisan manner to get this done. In fact, the legislation containing this amendment was unanimously passed in the House of Representatives in June of this year by a voice vote.

I know a lot of Senators on both sides of the aisle care about reforming government programs and making the Federal Government work better. This is a bipartisan measure that does that. It will speed up claims processing, it will reduce costs to the Department of Justice, and it will lessen unnecessary paperwork burdens for claimants. It has passed with overwhelming Democratic and Republican support in the House. It had stalled in the past over misguided objections. Some might say this is not the responsibility of Congress. As a constitutional matter, that is simply not true. It is a matter of policy.

Since 1976, Congress has made the judgment that the right thing to do is to take care of surviving spouses and children of police officers, firefighters, and emergency medical responders who are killed in the line of duty. Congress has always provided assistance to these heroes. If there is a Senator who believes this is beyond the responsibility of Congress, then introduce and defend legislation to repeal the policy first enacted in 1976.

Americans take care of each other. We live by the ideal that we take care of our own. Just as the Federal Government is working hard to help those suffering from Hurricane Sandy or as the Federal Government provides critical assistance to people and communities devastated by tornadoes or droughts or wildfires, just as Congress stood by the families of those killed in the attacks of September 11, 2001, we take care of our own. We always will.

As I said, at some appropriate time I will call up the amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Will the Senator from Vermont yield?

Mr. SANDERS. Yes.

Mr. LEVIN. I understand the Senator will take about 10 minutes; is that correct?

Mr. SANDERS. Somewhere in that vicinity.

Mr. LEVIN. And then the Senator will take approximately 10 minutes?

Mr. WHITEHOUSE. I would like to be recognized at the conclusion of the remarks of the Senator from Vermont for about 10 minutes.

Mr. LEVIN. I ask that the two Senators be recognized for 10 minutes each as in morning business.

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

WALL STREET

Mr. SANDERS. Madam President, sometimes there is no end to arrogance. I find it literally beyond comprehension that we have folks from Wall Street who receive huge bailouts from the people of our country, from working families in this country, because of the greed and recklessness and illegal behavior that Wall Street did to drive us into this recession, and now these very same people are coming here to Congress to lecture us and the American people about how we have to cut Social Security, Medicare, and Medicaid while they enjoy huge salaries and retirement benefits.

Lloyd Blankfein is the CEO of Goldman Sachs. In 2006 and 2007 he was the highest paid executive on Wall Street, making over $125 million in total compensation. My understanding is that he has wealth of hundreds of millions of dollars. Goldman Sachs received a $278 million refund—Goldman Sachs did—from the IRS in 2008 even though it made a profit of $2.3 billion. During the financial crisis, Goldman Sachs received a total of $814 billion in virtually zero interest loans from the Federal Reserve and a $10 billion bailout from the Treasury Department. This is the CEO of Goldman Sachs. Now, with his huge wealth, he is coming here to Washington to lecture the American people on how we have to cut Social Security, Medicare, and Medicaid for tens of millions of Americans who are struggling now to keep their heads above water.

This is a statement Lloyd Blankfien recently made, I believe, on a TV show:

> You're going to have to, undoubtedly, do something to lower people's expectations, the entitlements, and what people think they're going to get because they're not going to get it. Social Security wasn't devised to be a system that supported you for a 30 year retirement after a 25 year career . . . So there will be certain things, like the retirement age will have to be changed, maybe the benefits will have to be affected, maybe some of the inflation adjustments will have to be revised . . . But, in general, entitlements have to be slowed down and contained.

This comes from a man worth hundreds of millions of dollars whose company, along with the rest of the companies on Wall Street, drove this country

into the recession it is in, which, by the way, contributed to the deficit we are in. He is coming to Capitol Hill to lecture us and lecture the working families in this country on how we have to cut Social Security, Medicare, and Medicaid. I think arrogance has no end, that people from Wall Street can come down here and tell us that.

I think most Americans understand that the reason we are in the terrible recession we are in right now and the reason we went from a $236 billion surplus when Bill Clinton left office has everything in the world to do not with Social Security but with the fact that we went into the wars in Iraq and Afghanistan and forgot to pay for them; we gave huge tax breaks to people such as Mr. Blankfein and did not offset them; passed the Medicare Part D prescription drug program, not paid for; and as a result of the Wall Street recession, significantly less revenue is now coming into the Federal Government. That is why we went from a $236 billion surplus in 2001 to a $1 trillion deficit today.

The deficit is a serious issue and it has to be addressed, but it has to be addressed not in the way that Mr. Blankfein, Pete Peterson, and the other Wall Street billionaires want us to address the deficit but in a way that is fair to working people. Among other things, we have to protect Social Security, protect Medicare, protect Medicaid.

I was appreciative the other day when I read that the White House has said something that many of us have wanted them to say, which is that Social Security had nothing to do with the deficit; Social Security should be treated separately. I think that is a real step forward. Many of us signed a letter to that effect.

But what does worry me is this issue of chain CPI. I want everybody to understand what the chain CPI is about. Nobody outside of Capitol Hill knows what it is about. What it is about is reformulating how we determine COLAs. If this chain CPI passed, what it would mean is that if somebody was 65 now—this would go into effect immediately if it were passed—by the time they were 75, there would be a $560-a-year reduction in what they otherwise would have gotten in Social Security benefits through the COLAs. By the time they are 85, it would be $1,000 a year. We must defeat any and all efforts to oppose a chain CPI not only on Social Security beneficiaries, but it would also apply, if my colleagues can believe this, to disabled veterans. Mr. Blankfein and his other CEO friends on Wall Street really want us to balance the budget on the backs of the disabled vets? Well, this Senator surely is not going to support that.

There are ways to deal with deficit reduction that are fair. Everybody has to understand that we have already cut approximately $1 trillion in benefits. So when we talk about $4 trillion in deficit reduction, $1 trillion has already taken place.

Second of all, obviously, at a time when the wealthiest people are doing phenomenally well and we have growing wealth and income inequality in America, of course we have to repeal Bush's tax breaks for people making $250,000 a year or more. That is another $1 trillion. We have to appreciate the fact that one out of four corporations in America doesn't pay a nickel in taxes. We can bring in significant amounts of revenue through tax reform that asks corporations to start paying their fair share of taxes. We are losing $100 billion a year because corporations and the wealthy are stashing their money in the Cayman Islands and other tax havens, thus losing substantial revenue in the United States.

Defense spending has tripled since 1997. We are now spending almost as much as the rest of the world combined. Let's take a serious look at defense spending. If we do that, make some changes toward efficiency in Medicare and Medicaid, make them more efficient but not cut benefits, we can move toward serious deficit reduction without cutting Social Security, without cutting Medicare, and without cutting Medicaid.

We just had an election a few weeks ago—November 6—and what I think the American people said is that the time is now for the wealthy to start paying their fair share of taxes. We have seen poll after poll after poll, including from some very conservative people who are saying do not cut Social Security, Medicare, and Medicaid. I think it is time for the Senate and the Congress to start listening to the American people. Let's go forward with deficit reduction, but let's not do it on the backs of the elderly, the children, the sick, or the poor.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, we are working toward a national defense authorization act, and as we do that, I rise to discuss the importance of assessing and planning for and mitigating the national security effects of climate change.

Our changing climate is not simply a green issue invented by environmentalists and conservationists; climate change threatens our strategic interests, our military readiness, and our domestic security in many ways. It is a serious national security issue—so says not just me but the U.S. Department of Defense and, indeed, our national intelligence community.

In 2011 the Defense Science Board provided the Secretary of Defense guidance for a governmentwide approach to preparing for the effects of climate change, concluding that ''climate change will only grow in concern for the United States and its security interests.''

The 2010 Quadrennial Defense Review by the Department of Defense noted that climate change is one of the things that ''will play important roles in the future security environment.''

The White House's 2010 national security strategist stated that ''climate change . . . threaten(s) the security of regions and the health and safety of the American people.''

Back to 2008, Dr. Thomas Fingar, then Deputy Director of National Intelligence for Analysis and the Chairman of the National Intelligence Council, said that ''global climate change will have wide-ranging implications for U.S. national security interests for the next 20 years.''

In a report requested by the CIA, the National Research Council wrote this year that ''while climate change alone does not cause conflict, it may act as an accelerant of instability or conflict.''

In 2006 the Center for Naval Analysis, a federally funded research and development center that has advised the Navy and Marine Corps since 1942, convened a military advisory board of retired three-star and four-star admirals and generals and asked them to report on national security and the threat of climate change. The report stated:

> While uncertainty exists . . . regarding . . . the future extent of projected climate change, the trends are clear. The nature and pace of climate changes being observed today . . . pose . . . grave implications for our national security.

And, of course, as the Presiding Officer knows, in the 5 years since, the evidence has tracked the worst of those climate change projections, not the most gentle.

Our Nation's top military strategists, our Nation's top researchers, the National Research Council, and the National Academy of Sciences all have recommended that our national security institutions prepare for threats caused by climate change.

On the other hand, we have a tiny fringe of scientists, many of whom are funded by industry, that denies these facts and urges us to maintain the status quo. In effect, that little fringe urges us to do nothing. This is the same strategy, often the same organizations, and in some cases even the same people who denied in the past that cigarettes are bad for us or that lead paint harms children. They are professional, industry-paid deniers at large.

The choice is a clear one, and I recommend we follow the findings of our military leaders. They have determined that climate change is real and that our national security requires us to reject the false science of the climate deniers.

The National Intelligence Council has identified more than 30 U.S. military installations that are threatened by risks associated just with rising sea levels. One is Diego Garcia. It is a small island south of India and home to a logistics hub for U.S. and British forces in the Middle East and to Air Force Satellite Control Network equipment. The Navy reports that the average elevation of Diego Garcia is approximately 4 feet. Even absent a

storm or tsunami, this installation is threatened by inundation from slow and steady sea level rise.

The Norfolk Naval Air Station and Naval Base on the southern end of the Chesapeake Bay is the Navy's largest supply center and home to the U.S. Atlantic fleet. A New York Times analysis this past weekend using U.S. Geological Survey and NOAA data showed that a 5-foot sea level rise would permanently flood portions of that base. The base is at continuing risk, of course, from storm surges. By the way, a 5-foot sea level rise is now predicted to be a possibility in this century.

Eglin Air Force Base on Florida's gulf coast, the largest Air Force base in the world, is threatened by storm surge, sea level rise, and saltwater infiltration. We know that climate change loads the dice for more and more severe extreme weather.

Retired Brigadier General Steven Anderson and retired Lieutenant General Daniel Christman recently used Hurricane Katrina as an example of how extreme weather can cause what they call ''negative operational impacts'' to our military. In response to Katrina, the National Guard mobilized 58,000 National Guard members to the relief effort at the same time that 79,000 Guard members were deployed fighting the war on terrorism. The generals pointed out that although Louisiana's physical infrastructure did not hold, our National Guard did hold. But the limits of even our exceptional National Guard would be tested by these changes in extreme weather, and it is imperative that we prepare our emergency management and responders for a new normal of new extremes.

Climate change will also create new strategic challenges. Climate events such as droughts and heat waves, floods and storms exacerbate political and military tensions in areas around the world with fragile governments and instability. This can result in violent conflict and in refugee problems.

It is not just the shock of extreme weather that portends danger. As the temperature of the air and ocean steadily rises, the amount of moisture in the atmosphere will change and the composition of the oceans will change. Habitats will change, growing conditions will be altered, and the snows and glaciers that feed great rivers will change, changing the seasonal flows of the rivers. The world's great agricultural deltas will face both those changes in the rivers and rising sea levels. All of these changes will disrupt food supplies and water resources. Many poorer regions are unprepared to deal with the effects of famine, drought, crop failure, flooding, and disease that can be anticipated. These slower moving climate disasters will create migration, competition for resources, and government instability that in turn sets the stage for more international unrest.

Last, the changing environment will affect our military's operating environment. Sea ice in the Arctic is already vanishing, and new Arctic waterways are opening. In September, Reuters reported that the first Chinese icebreaker crossed the Arctic, with the expedition leader explaining how surprised he was to find the route to be so open. In addition to new shipping routes, the reduction in Arctic sea ice makes oil, gas, and mineral exploration more likely there. These new operational challenges will expand the Coast Guard's mission along our Arctic borders and the Navy's mission in the Arctic Ocean.

The Department of Defense and our intelligence community have accepted the science of climate change and the fact that we need to prepare for it. We customarily rely on the professional judgments of the sober and thoughtful leaders of these great national security organizations. Their assessments are based on sound and comprehensive science and analysis. I respect the solemn mission our national security institutions have to protect the United States and its interests, and I trust their judgment.

Their judgment is echoed by significant Republican leaders. Our former colleague, Senator John Warner, Republican of Virginia, who was the chairman of the Senate Armed Services committee, has said:

> Leading military and security experts agree that if left unchecked, global warming could increase instability and lead to conflict in already fragile regions of the world.

He continued:

> We ignore these facts at the peril of our national security and at great risk to those in uniform who serve this nation.

George Shultz was Secretary of Treasury and Labor and Director of the Office of Management and Budget under President Nixon, and the Secretary of State under President Reagan. He leads the Hoover Institution's Shultz-Stephenson Task Force on Energy Policy and has also served on the advisory boards of Stanford's Precourt Institute for Energy and MIT's Energy Initiative. In his words, ''. . . the globe is warming, which is not a matter of opinion, but a matter of fact. The arctic is melting. If you could bring together the constituencies concerned with national security, the economy and the environment—both local and global—that would be a potent coalition.''

So I hope Members on both sides of the aisle can agree that when it comes to protecting our American interests at home and abroad, we should believe our national security institutions when they warn us of the security and strategic implications of climate change rather than align ourselves with a questionable fringe of industry-allied deniers. Ultimately, as I have said before on this floor, we are beholding to our children and grandchildren to do something about the carbon pollution that is causing this climate change. And history's verdict for our failure will be harsh.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, in a moment I am going to ask unanimous consent that we proceed to a debate, to Senator FEINSTEIN, who will speak on an amendment that she intends to offer but not offer it at this time. I will then ask she be followed by Senator PAUL, who will speak on that same amendment. It is our intention then to move to a vote on the Leahy amendment to improve the Public Safety Officers' Benefits Program. This falls within the jurisdiction of the Judiciary Committee, but the chairman, whose amendment it is, and the ranking member, Senator GRASSLEY, have both approved this amendment, and I would simply alert other Senators that if they wish to speak on this amendment, for or against, that it is our intention to proceed to a vote on the Leahy amendment following the speaking of Senator PAUL and Senator FEINSTEIN.

So I ask unanimous consent that the Senate proceed in that way.

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

Mr. LEVIN. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I thank the distinguished chairman.

I am going to offer an amendment—a version of it was introduced as a separate bill last year as S. 2003. The cosponsors of the amendment are Senators PAUL, LEE, COONS, COLLINS, LAUTENBERG, GILLIBRAND, and KIRK. I ask unanimous consent to add Senators TESTER, JOHNSON of South Dakota, SANDERS, WHITEHOUSE, and HELLER as cosponsors to the amendment.

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

Mrs. FEINSTEIN. This amendment is almost identical to the bill I introduced a year ago. That bill has a bipartisan group of 30 cosponsors. It is called the Due Process Guarantee Act, and the co-sponsors include five Republicans: Senators LEE, PAUL, COLLINS, KIRK, and MORAN. Thanks to Chairman LEAHY, the bill had a hearing earlier this year in the Judiciary Committee, as the Presiding Officer will so note, on February 29, 2012.

The amendment I will offer clarifies questions that arose during last year's defense authorization bill about the U.S. Government's power to detain its citizens indefinitely. Last year's bill had detention provisions in it that never had a hearing in the Judiciary Committee, the Intelligence Committee, or the Armed Services Committee.

Let me just take a minute to describe why this is such an important issue for me.

When I was a very young girl—I remember it was a Sunday because my father worked every other day of the week—my father took me down to a racetrack just south of San Francisco

called Tanforan. It was the beginning of World War II. The racetrack was then a staging point for Japanese Americans en route to more permanent detention centers.

Here is the edict that was put out:

> Western Defense Command and Fourth Army Wartime Civil Control Administration, Presidio of San Francisco, California, April 1, 1942, Instructions to All Persons of Japanese Ancestry, Living in the Following Area:

Then it describes the area. It says:

> All Japanese persons, both alien and non-alien, will be evacuated from the above designated area by 12:00 o'clock noon Tuesday, April 7, 1942.
>
> No Japanese person will be permitted to enter or leave the above described area after 8:00 a.m., Thursday, April 2, 1942, without obtaining special permission from the Provost Marshal of the Civil Control Station.

This was an order which remanded all persons of Japanese ancestry into custody for the duration of World War II.

Let me show you a little of what these facilities looked like. Shown in this picture I have in the Chamber is Tanforan Racetrack, and these are the barracks that were put up to house Japanese-American citizens and non-citizens—only because they were of Japanese ancestry.

In this next picture, this is what it looked like close up. This is a young person walking out of this small cell in that barrack.

In this next picture, these are Japanese Americans standing in line—and here is the racetrack—either to get food or for some other reason.

This stuck in my memory, and I believe it was a stain on the greatness of this country. As I saw the barbed wire, these men, women, and children housed in horse stables, in small buildings, as you can see, it was an experience I will never forget.

To ensure that this shameful experience was never repeated, almost 30 years after the 1942 evacuation order was issued, Congress passed and President Nixon signed into law the Non-Detention Act of 1971, which repealed a 1950 statute that explicitly allowed detention of U.S. citizens without charge or trial.

The Non-Detention Act of 1971 clearly states:

> No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress.

Despite this history, during last year's debate on the Defense authorization bill some in this body advocated for the indefinite detention of American citizens. This is an issue that has been the subject of much legal controversy since 9/11.

Proponents of indefinitely detaining citizens apprehended in the U.S. argue that the Authorization for Use of Military Force—what we call the AUMF—that was enacted in the wake of 9/11 is ''an act of Congress,'' in the language of the Non-Detention Act, that authorizes the indefinite detention of American citizens regardless of where they are captured.

They further assert that their position is justified by the U.S. Supreme Court's plurality decision in the 2004 case of Hamdi v. Rumsfeld. However, that position is undercut by the 2003 case of Padilla v. Rumsfeld in the Second Circuit Court of Appeals. So we have a kind of muddle.

But let me discuss the facts of the Hamdi case because it is important to note that Yaser Esam Hamdi was a U.S. citizen who took up arms on behalf of the Taliban and was captured on the battlefield in Afghanistan. The Supreme Court effectively did uphold his military detention, so some of my colleagues seize upon this to say that the military can today indefinitely detain even U.S. citizens who are arrested domestically.

However, the Supreme Court's opinion in that case was a decision by a 4-to-4 plurality that recognized the power of the government to detain U.S. citizens captured abroad as ''enemy combatants'' for some period, but otherwise repudiated the government's broad assertions of executive authority to detain citizens without charge or trial.

To the extent the Hamdi case permits the government to detain a U.S. citizen ''until the end of hostilities,'' it does so only under a very limited set of circumstances; namely, citizens taking an active part in hostilities who are captured in Afghanistan and who are afforded certain due process protections, at a minimum.

Additionally, decisions by the lower courts have contributed to the current state of ambiguity. For example, consider those decisions involving Jose Padilla, a U.S. citizen who was arrested in Chicago. He was initially detained pursuant to a material witness warrant based on the 9/11 terrorist acts.

In Padilla, the Second Circuit held that AUMF did not authorize his detention, saying:

> We conclude that clear congressional authorization is required for detentions of American citizens on American soil because . . . the Non-Detention Act . . . prohibits such detentions absent specific congressional authorization.

The Second Circuit went on to say that the 2001 Authorization for Use of Military Force—and I quote—''is not such an authorization, and no exception to [the Non-Detention Act] otherwise exists.''

So here is the problem. We have the Supreme Court that says one thing in a limited way and a federal appeals court that says another thing on an issue not directly addressed by the Supreme Court. When we debated this issue on the Senate floor last year, the Senate ultimately agreed to a compromise amendment which passed by an overwhelming 99-to-1 vote. I worked on that with Senators LEE, PAUL, LEVIN, MCCAIN, DURBIN, LEAHY, and the amendment provided the following:

> Nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens, or lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States.

Now, that was adopted to say, leave things as they are right now. It preserved the current state of the law, continuing to leave it to the courts to resolve who is right about whether the AUMF authorizes the military detention of anyone apprehended domestically.

I believe strongly the time has come now to end this legal ambiguity and to state clearly once and for all that the AUMF or other authorities do not authorize such indefinite detention of Americans apprehended in the United States.

To accomplish this, we are offering an amendment which affirms the continuing application of the principles behind the Non-Detention Act of 1971. It amends that act to provide clearly that no military authorization allows indefinite detention of U.S. citizens or green card holders who are apprehended inside the United States.

The amendment states, ''An authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States unless an Act of Congress expressly authorizes such detention.''

That affirms the Second Circuit's clear statement rule from the Padilla case. Some may ask why this amendment protects green card holders as well as citizens. Others may ask why the amendment does not protect all persons apprehended in the United States from indefinite detention? Let me be clear. I would support providing the protections in this amendment to all persons in the United States whether lawfully or unlawfully present.

But the question is, Is there enough support in this body to expand this amendment to cover others besides U.S. citizens and green card holders? I do not believe there is. We got 45 votes last year on a similar amendment protecting U.S. citizens. We have reworked the amendment and gained more support this year, as reflected in the co-sponsors we have today. So my hope is that at least we can clear up the law with strong protections for citizens and legal permanent residents.

Wherever we draw the line on who should be covered by this legislation, I believe it violates fundamental American rights to allow anyone apprehended in the United States to be detained without charge or trial. The FBI and other law enforcement agencies have proven time and time again they are up to the challenge of detecting, stopping, arresting, and convicting terrorists found on U.S. soil, having successfully arrested, detained, and convicted hundreds of these heinous people, both before and after 9/11.

For example, since January 2009, 98 individuals have been successfully arrested inside the United States by the

FBI and other Federal or local law enforcement officers on terrorism-related charges. Last month, the staff of the Senate Intelligence Committee compiled a list of the individuals arrested in the past 4 years as part of more than 50 different terrorism investigations. The list was based on publicly available information from the FBI, the Congressional Research Service, and media reports. I have it here and I ask unanimous consent to have the list printed in the RECORD.

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

TERRORIST ARRESTS AND PLOTS STOPPED IN THE UNITED STATES 2009–2012

(COMPILED BY SENATE INTELLIGENCE COMMITTEE STAFF BASED ON PUBLICLY AVAILABLE INFORMATION FROM THE FBI, THE CONGRESSIONAL RESEARCH SERVICE, AND MEDIA REPORTS)

(1) Ralph Deleon, (2) Miguel Alejandro Santana Vidriales (Santana), (3) Arifeen David Gojali—Conspiracy to Provide Material Support to Terrorism—November 2012.

On Friday, November 16, 2012, the FBI arrested Deleon, Santana, and Gojali who were planning to travel to Afghanistan to attend terrorist training and commit violent jihad. Deleon, of Ontario, California, is a lawful permanent resident alien, born in the Philippines. Santana, of Upland, California, is a lawful permanent resident, born in Mexico, and whose application for citizenship is pending in the U.S. Gojali, of Riverside, California, is a United States citizen. According to a criminal complaint filed in U.S. District Court in the Central District of California, the defendants conspired to provide material support to terrorists knowing or intending that such support was to be used in preparation for or in carrying out: conspiracy to kill, kidnap, maim, or injure persons and damage property in a foreign country; killing and attempting to kill officers and employees of the United States; killing nationals of the United States; conspiracy to use a weapon of mass destruction outside the United States; and bombing places of public use and government facilities. The complaint further alleges that Santana, Deleon, and Gojali conducted preliminary training in southern California at firearms and paintball facilities to prepare for terrorist training overseas.

(4) Quazi Mohammad Rezwanul Ahsan Nafis—Plot to Bomb New York Federal Reserve Bank—October 2012.

On October 17, 2012, the FBI arrested Ahsan Nafis, a Bangladeshi national, as he attempted to detonate what he believed to be a 1,000-pound bomb at the New York Federal Reserve Bank in lower Manhattan's financial district. The defendant faces charges of attempting to use a weapon of mass destruction and attempting to provide material support to Al Qaeda. According to an FBI press release, the accused, ''traveled to the United States in January 2012 for the purpose of conducting a terrorist attack on U.S. soil. Nafis, who reported having overseas connections to Al Qaeda, attempted to recruit individuals to form a terrorist cell inside the United States. Nafis also actively sought out Al Qaeda contacts within the United States to assist him in carrying out an attack.''

(5) Adel Daoud—Plot to Bomb Downtown Chicago Bar—September 2012.

On Friday September 14, 2012, Adel Daoud attempted to detonate what he believed to be a car bomb outside a bar in downtown Chicago. Daoud, a U.S. citizen, was arrested as part of an ongoing FBI counterterrorism operation after he was discovered on the Internet seeking information on how to conduct terrorist attacks. According to an FBI press release, ''In about May 2012, two FBI online undercover employees contacted Daoud in response to material Daoud posted online and thereafter exchanged several electronic communications with Daoud. According to the affidavit, during these communications Daoud expressed an interest in engaging in violent jihad, either in the United States or overseas.''

(6) Douglas L. Wright, (7) Brandon L. Baxter, (8) Anthony Hayne, (9) Connor C. Stevens, and (10) Joshua S. Stafford—Plot to Bomb Brecksville-Northfield High Level Bridge in Ohio—May 2012.

These five men were arrested on May 1, 2012 after they attempted to detonate an explosive device set on the Brecksville-Northfield High Level Bridge in Ohio that was given to them by an undercover FBI agent. The accused men are self-proclaimed anarchists who considered carrying out a series of attacks, but ultimately decided to target the bridge in Ohio after an initial plot to use smoke grenades to distract law enforcement in order for co-conspirators to topple financial institution signs atop high rise buildings in downtown Cleveland failed to materialize. ''The defendants conspired to obtain C–4 explosives contained in two improvised explosive devices to be placed and remotely detonated,'' according to the complaint.

(11) Bakhtiyor Jumaev and (12) Jamshid Muhtorov—Conspiracy to Provide Material Support to the Islamic Jihad Union (IJU)—March 2012.

On March 15, 2012, the FBI arrested Bakhtiyor Jumaev who was charged with one count of conspiracy to provide material support to the Islamic Jihad Union (IJU). The FBI had been conducting an investigation into the activities of Jumaev and his associate, Jamshid Muhtorov, who was arrested in January 2012 on similar charges. Jumaev and Muhtorov had pledged support for the IJU and Jumaev sent funds to Muhtorov, specifically intended for the IJU. The U.S. Government has designated the IJU as a Foreign Terrorist Organization.

(13) Amine El Khalifi—Plot to carry out a Suicide Bomb Attack against the U.S. Capitol—February 2012.

Amine El Khalifi, an illegal immigrant from Morocco, was arrested on February 17, 2012 for attempting to detonate a bomb in what was envisioned to be a suicide attack against the U.S. Capitol Building. According to an FBI press release, ''El Khalifi allegedly traveled to a parking garage near the U.S. Capitol building. El Khalifi took possession of a MAC–10 automatic weapon and put on a vest containing what he believed to be a functioning bomb. Unbeknownst to El Khalifi, both the weapon and the bomb had been rendered inoperable by law enforcement. El Khalifi walked alone from the vehicle toward the United States Capitol, where he intended to shoot people and detonate the bomb. El Khalifi was arrested and taken into custody before exiting the parking garage.'' The FBI made initial contact with Khalifi in January 2011. Over the course of the year he cited his anger over the ''war on terrorism'' and the ''war on Muslims'' as his rationale behind planned attacks against a military installation and a restaurant in Washington D.C. After acquiring and testing dummy explosives given to him by FBI affiliates, Khalifi modified his plans to conduct a suicide attack against the U.S. Capitol.

(14) Sami Osmakac—Plot to Bomb Locations in Tampa, Florida—January 2012.

On January 7, 2012, the FBI arrested Sami Osmakac, a naturalized U.S. citizen born in the former Yugoslavia (Kosovo) on one count of attempted use of a weapon of mass destruction. The FBI used a sting operation to apprehend Osmakac who was 25 years old at the time of his arrest. According to FBI investigators, in September 2011, an FBI source reported that Osmakac and another person had asked for Al Qaeda flags at the source's business. The source continued to interact with Osmakac and report to the FBI about his activities. Osmakac allegedly expressed interest in obtaining firearms and explosives for attacks he was planning in the Tampa area, and the source introduced him to an FBI undercover employee reputed to have access to such materials. The undercover employee supplied Osmakac with hand grenades, an assault rifle, a pistol, a car bomb, and an explosive belt. Osmakac was unaware that the items actually did not work. In the course of his plotting Osmakac purportedly discussed targets such as ''night clubs in the Ybor City area of Tampa, the Operations Center of the Hillsborough County Sheriff's Office in Ybor City, and a business in the South Tampa,'' according to a DOJ press release. Muslims in Tampa reportedly aided the FBI in its investigation. Osmakac purportedly exhibited extremist views prompting at least one local Muslim to tell authorities about him.

(15) Jose Pimentel—Plot to Bomb New York City Targets and Troops Returning from Combat Overseas—November 2011.

On November 19, 2011, New York City police arrested a convert to Islam named Jose Pimentel on terrorism charges. According to New York City Police Commissioner Raymond W. Kelly, Pimentel purportedly discussed killing U.S. military personnel returning home from Iraq and Afghanistan, in conjunction with bombing post offices in and around Washington Heights and police cars in New York City, as well as a police station in Bayonne, N.J. The alleged would-be bomber was building explosive devices when he was arrested after two years of surveillance by the New York City Police Department (NYPD). Pimentel reportedly discussed his plans with an individual he did not know was an NYPD criminal informant. Pimentel sympathized with Al Qaeda and drew inspiration from now-deceased radical cleric Anwar al-Awlaki. The alleged would-be bomber purportedly tried but failed to correspond with Awlaki via e-mail, and the cleric's death may have sped up Pimentel's plotting. According to the criminal complaint filed in the case, the NYPD tracked Pimentel's internet activity, finding that Pimentel had posted online pro-Al Qaeda material as well as an article detailing how to make a bomb from Inspire Magazine. Working in the apartment of an NYPD criminal informant, Pimentel supposedly followed Inspire's bomb making instructions, scraping match heads, collecting the incendiary material, as well as drilling holes in three pipes, among other steps.

(16) Mansour Arbabsiar—Plot to Assassinate the Saudi Ambassador to the United States—October 2011.

Mansour Arbabsiar was arrested after he approached a DEA informant, who he believed was a member of Los Zetas, to hire the cartel to carry out a terrorist attack against the Saudi ambassador at a restaurant in Washington. Mr. Arbabsiar had many connections to Iran's military and the Qods Force.

(17) Rezwan Ferdaus—Plot to Attack U.S. Capitol and Pentagon—September 2011.

On September 28, Rezwan Ferdaus, a U.S. citizen from Ashland, MA, was arrested on terrorism charges. He allegedly plotted to attack the Pentagon and the U.S. Capitol with explosives-laden remote-controlled airplanes. According to DOJ, he also planned a ground assault in conjunction with his aerial

attack, intending to use firearms and to involve six conspirators in this phase of his plot. Ferdaus also purportedly attempted to provide Al Qaeda with modified cell phones he believed would be used as detonators for improvised explosive devices intended to harm U.S. soldiers abroad. As described by DOJ, FBI undercover employees acting as members of Al Qaeda supplied Ferdaus with money, fake explosives for the airplanes, firearms, and hand grenades. In turn, (among other things) Ferdaus provided the cell phone detonators to these phony Al Qaeda recruiters as well as a training video on how to construct them. Ferdaus supposedly began plotting in 2010. In January 2011, he discussed his plans with an FBI informant. In May 2011, he visited the Washington, DC, area to conduct surveillance of his targets and view the site from which he intended to launch his remote-controlled airplanes. According to the FBI, Ferdaus believed that one of his airplanes could collapse the Capitol dome.

(18) Agron Hasbajrami—Plot to Fight in Pakistan—September 2011.

On September 6, 2011, Agron Hasbajrami was arrested at John F. Kennedy International Airport in New York City as he tried to board a flight to Turkey. Hasbajrami allegedly planned to join a jihadist fighting group in the Federally Administered Tribal Areas of Pakistan. He also purportedly sent more than $1,000 to Pakistan to support the efforts of a militant with whom he communicated.

(19) Naser Abdo—Plot to Attack Targets Near Fort Hood—July 2011.

On July 27, 2011, U.S. Army Private Naser Abdo was arrested near Fort Hood in Texas for allegedly plotting a shooting spree and bombing in the area—near the same place where Army Major Nidal Hasan reportedly killed 13 individuals in 2009. Abdo, described in the media as a Muslim soldier in the 101st Airborne Division at Fort Campbell, KY, was supposedly absent without leave from the Army after applying for conscientious objector status. A November 2011 superseding indictment charged Abdo with one count of attempted use of a weapon of mass destruction, one count of attempted murder of officers or employees of the United States, two counts of possession of a firearm in furtherance of a federal crime of violence, and two counts of possession of a destructive device in furtherance of a federal crime of violence. Abdo allegedly purchased gunpowder, shotgun ammunition, and a magazine for a semi-automatic pistol at a gun store near Fort Hood. An employee at the gun store supposedly brought Abdo to the attention of law enforcement officers. Federal officials have noted that Abdo also possessed a .40 caliber handgun, bomb making materials, and an article on how to construct an explosive device, among other items. The article was from Inspire, an English-language magazine produced by Al Qaeda in the Arabian Peninsula.

(20) Ulugbek Kodirov—Plot to Assassinate President Obama—July 2011.

Ulugbek Kodirov, an Uzbek living in Alabama, was arrested when he sought assistance to kill President Obama either by shooting him or using explosives. The affidavit said that the source whom Kodirov contacted for help told authorities that Kodirov supported Islamic extremists and regularly viewed jihadist websites.

(21) Emerson Begolly—Plot to Encourage Jihadist Acts in the United States—July 2011.

On July 14, 2011, Emerson Begolly, a U.S. citizen from New Bethlehem, PA, was indicted for attempting to encourage jihadists to commit acts of terrorism within the United States and distributing information related to explosives online. In August 2011, he pleaded guilty to ''soliciting others to engage in acts of terrorism within the United States and to using a firearm during and in relation to an assault on FBI agents.'' According to DOJ, Begolly posted ''links to a 101-page document that contain[ed] information on how to set up a laboratory, conduct basic chemistry, and manufacture explosives.''

(22) Abu Khalid Abdul-Latif and (23) Walli Mujahidh—Plot to Attack Seattle Military Processing Center—June 2011

On June 22, 2011, Abu Khalid Abdul-Latif and Walli Mujahidh, were arrested on terrorism and firearms charges for plotting to attack a Seattle military processing center. An FBI sting operation apprehended the two as they took possession of machine guns they had purchased for the plot. The firearms had been rendered inert as part of the sting operation. Assistant Attorney General for National Security Todd Hinnen described the plot as, ''driven by a violent, extreme ideology.'' While the two reportedly had not worked out all of the details of their plot, they allegedly were frustrated by ''American war policies'' and hoped for an attack that would garner wide attention.

(24) Yonathan Melaku—Plot to Shoot Targets in Washington, DC, Area—June 2011

On June 23, 2011, DOJ announced that Yonathan Melaku, an Ethiopian native living in Alexandria, VA, was charged with destruction of property and firearm violations. These charges stemmed from five shootings at military installations in Northern Virginia between October and November 2010. No one was harmed in the shootings. It is unclear to what extent Melaku, a Marine Corps reservist, was driven by jihadist motivations; however, investigators linked Melaku to a spiral notebook with numerous Arabic statements referencing the Taliban, Al Qaeda, Osama bin Laden, ''The Path to Jihad,'' as well as a list of several other individuals associated with foreign terrorist organizations. Law enforcement officials also found a video when they searched Melaku's bedroom. It reportedly depicted ''Melaku in an automobile driving near what appears to be the U.S. Marine Corps Heritage Museum and repeatedly firing a handgun out the passenger-side window.'' In the video, he allegedly states, ''that's my target. That's the military building. It's going to be attacked,'' and then he shouts, ''Allah Akbar.''

(25) Waad Ramadan Alwan and (26) Mohanad Shareef Hammadi—Material Support to Al Qaeda in Iraq—May 2011

Alwan and Hammadi were arrested on May 25, 2011 in Kentucky on charges to commit conspiracy to kill U.S. nationals abroad and provide material support, including weapons, to Al Qaeda in Iraq among other charges.

(27) Ahmed Ferhani and (28) Mohamed Mamdouh—Plot to Attack New York City Targets—May 2011

On May 12, 2011, Ahmed Ferhani (an Algerian native living in Queens, NY) and Mohamed Mamdouh (a naturalized U.S. citizen from Morocco) were arrested for plotting to blow up a synagogue as well as churches in New York City. However, the duo had not chosen a specific target. New York City officials alleged that Ferhani was driven by a hatred of Jews and a belief that Muslims are mistreated the world over. He and Mamdouh allegedly had purchased firearms and a hand grenade from an undercover detective posing as a gun dealer.

(29) Joseph Jeffrey Brice—Testing Explosives and Proving Material Support to Terrorists—May 2011

Joseph Jeffrey Brice was arrested on charges of manufacturing an unregistered firearm and later an additional charge of providing material support for terrorism. Police began to take an interest in Mr. Brice after he was seriously injured in April 2010 while testing a homemade bomb. Investigators discovered videos Brice posted that depicted suicide bombings in Pakistan and links to a terrorism magazine with instructions on how to make explosives. He also posted bomb making videos to YouTube under the name ''StrengthofAllah.'' Mr. Brice also plotted with an unidentified man to rob a Zions First National bank in Idaho although the plot was never acted upon. Authorities believe Brice was not a Muslim; rather, he assumed a Muslim identity online in order to sell his bomb-making expertise.

(30) Hafiz Muhammed Sher Ali Khan, (31) Irfan Khan, and (32) Izhar Khan,—Material Support to the Pakistani Taliban—May 2011

Six individuals located in South Florida and Pakistan were indicted in the Southern District of Florida on charges of providing financing and other material support to the Pakistani Taliban, a designated foreign terrorist organization. Three of them were located abroad. Hafiz Muhammed Sher Ali Khan, Irfan Khan, and Izhar Khan were arrested in the U.S.

(33) Kevin William Harpham—Attempt to Use an Explosive Device—March 2011

On March 9, 2011, Kevin Harpham was arrested for placing an explosive device alongside a planned Martin Luther King Jr. Day Unity March. Harpham admitted that he was a white supremacist and white separatist.

(34) Khalid Ali-M Aldawsari—Plot to Bomb U.S. Targets—February 2011

On February 23, 2011, FBI agents arrested Khalid Ali-M Aldawsari, a citizen of Saudi Arabia and resident of Lubbock, TX. He was charged with attempted use of a weapon of mass destruction. He also allegedly plotted to purchase material to make an improvised explosive device and had researched potential U.S. targets. A chemical supplier provided information to the FBI about a suspicious attempted purchase by Aldawsari. Prosecutors have stated that among the targets Aldawsari researched was the home address for former President George W. Bush. He also researched the names and home addresses of three American soldiers who had previously served at Abu Ghraib prison in Iraq.

(35) Roger Stockham—Plot to Attack Shia Mosque in Michigan—January 2011

Roger Stockham was arrested on January 24, 2011 outside the Islamic Center of America in Dearborn, Michigan. Mr. Stockham, a Vietnam veteran from Southern California, was caught with explosives in his vehicle outside the Michigan mosque. Authorities found a large but undisclosed quantity of class-C fireworks including M–80s, which are banned in Michigan, in his car. Mr. Stockham had a history of mental health issues and criminal acts ranging from kidnappings to attempted bombings.

(36) Antonio Martinez—Plot to Bomb Armed Forces Recruiting Center—December 2010

Antonio Martinez (aka Muhammad Hussain), a U.S. citizen from Baltimore was charged with attempting to detonate a bomb outside of a U.S. Armed Forces recruiting center in Catonsville, Maryland on December 8, 2010. Unbeknownst to him, Mr. Martinez was working with undercover FBI agents the whole time as they had been monitoring him since October 1, 2010 when a confidential source tipped off authorities to the potential danger. Martinez had attempted to recruit up to five other people to his plot, but they all declined to help him.

(37) Mohamed Osman Mohamud—Plot to Bomb Christmas Tree Lighting Ceremony—November 2010

Mohamed Osman Mohamud a US Citizen from Somalia was charged with attempting to detonate a vehicle bomb at a Christmas

tree lighting ceremony in Portland, OR on November 26, 2010. The arrest was the culmination of a months-long investigation and the explosives he was trying to detonate were inert. Mohamud was in touch with contacts in Pakistan and he was trying to travel overseas to engage in a violent jihad, according to the FBI. Mohamud told undercover agents that he had been trying to commit a violent jihad for 4 years, since he was 15.

(38) Mohamud Abdi Yusuf and (39) Abdi Mahdi Hussein—Material Support to Al-Shabaab and Conspiracy to Structure Financial Transactions—November 2010

On November 1, 2010, Mohamud Abdi Yusuf was arrested on charges of providing material support to al Shabaab and one charge of conspiracy to structure financial transactions. Abdi Mahdi Hussein was arrested one day later on a charge of conspiracy to structure financial transactions. The indictment alleged that Yusuf and Hussein sent funds to al Shabaab supporters in Somalia from licensed money remitting businesses operating in the United States, in part by using fictitious names and telephone numbers to conceal the nature of their activities.

(40) Farooque Ahmed—Plot to Bomb Washington, DC, Subway Stations—October 2010

Farooque Ahmed was arrested on October 27, 2010, and charged with conspiring with others he believed to be Al Qaeda operatives to bomb subway stations in Washington, DC. His co-conspirators turned out to be undercover law enforcement officers.

(41) Abdel Hameed Shehadeh—Travel Abroad to Wage Jihad—October 2010

Abdel Hameed Shehadeh was arrested on October 22, 2010, in Honolulu, HI. Among the accusations against him were that he tried to join the U.S. military so he could be deployed to Iraq but would desert and fight with anti-American insurgency forces.

(42) Sami Samir Hassoun—Plot to Detonate an Explosive Device—September 2010

Sami Samir Hassoun was charged with one count each of (1) attempted use of a weapon of mass destruction and (2) attempted use of an explosive device after placing a backpack which he thought contained an explosive device into a curbside trash receptacle near a crowded nightclub.

(43) Amina Ali and (44) Hawo Hassan—Material Support to Terrorist Group al Shabaab—August 2010

On August 15, 2010, 2 Americans and 12 others were charged with terrorism-related crimes linked to the Somali-based organization known as al Shabaab. There were only two arrests of Amina Ali and Hawo Hassan women charged with raising money to support al Shabaab through door-to-door solicitations and teleconferences in Somali communities in Minnesota. Indictments were also unsealed in Minnesota, Alabama, and California charging the other 12 individuals who were believed to be fugitives in Somalia.

(45) Shaker Masri—Attempted Travel to Somalia or Afghanistan to Fight—August 2010

Shaker Masri was arrested by the FBI on August 3, 2010, just before he was allegedly planning to travel to Somalia or Afghanistan to join either al-Shabaab or Al Qaeda. The FBI used a cooperating source who met Masri in November 2008 and subsequently consensually recorded conversations with him for the investigation. According to court documents, Masri encouraged the cooperating source to ''review speeches'' by Anwar al-Awlaki.

(46) Paul Gene Rockwood and (47) Nadia Rockwood—Charged with Perjury in a Terrorism Investigation—July 2010

Both Paul Rockwood and his wife pleaded guilty to one count of willfully making false statements to the FBI involving terrorism. According to the plea agreements and other documents filed with the court, Paul Rockwood converted to Islam, and later became a strict adherent to the violent jihad-promoting ideology of cleric Anwar Al-Awlaki. According to the filed court documents, after he moved to King Salmon, Alaska in 2006, Paul Rockwood continued his adherence to Al-Awlaki's ideology and by early 2010, he formalized a target list to include 15 specific locations all outside the state of Alaska. In April 2010, Paul Rockwood gave his written target list to his wife, Nadia, who, knowing of its purpose, carried the list with her on a trip to Anchorage. The FBI's Joint Terrorism Task Force (JTTF) subsequently obtained the target list. On May 19, 2010, JTTF agents questioned Paul Rockwood and provided him a copy of the target list. In response to agents' questions, Rockwood made false statements, denying he had created such a list, denying the purpose of the list and denying ever having such a list. JTTF agents also questioned Nadia Rockwood on May 19, 2010, about transporting the target list authored by her husband to another person. In response, Nadia Rockwood also made false statements to FBI agents.

(48) Zachary Adam Chesser and (49) Proscovia Kampire Nzabanita—Conspiracy to Murder ''South Park'' Creators—July 2010

On July 21, 2010, Zachary Adam Chesser, of Fairfax County, Va., was arrested on charges that he provided material support to al-Shabaab, a designated foreign terrorist organization. According to court documents, Chesser maintained several online profiles dedicated to extremist jihad propaganda. Chesser eventually admitted to encouraging violent jihadists to attack the writers of South Park, including highlighting their residence and urging online readers to ''pay them a visit.'' Chesser's wife, Proscovia Kampire Nzabanita, eventually pleaded guilty to making a false statement to an FBI agent during the course of the FBI's investigation of her husband.

(50) Mohamed Alessa and (51) Carlos Almonte—Attempting Material Support to Terrorism—June 2010

On June 5, 2010, two New Jersey residents, Mohamed Alessa and Carlos Almonte, were arrested at JFK in New York prior to boarding separate flights to Egypt. Authorities alleged the two had hoped to eventually link up with al-Shabaab in Somalia. The following day, they were charged with conspiracy to kill Americans abroad. They are alleged to have vowed to ''slice up'' troops in ''a thousand pieces,'' according to the criminal complaint which cites conversations secretly recorded by a NYPD undercover officer.

(52) Tarek Mehanna—Providing Material Support to Al Qaeda—June 2010

Tarek Mehanna (of Sudbury, Massachusetts) and Ahmad Aboursamra (a fugitive in Syria) were charged with conspiring to aid Al Qaeda, as well as attempting to commit murder in a foreign country, conspiracy to commit provide false information to law enforcement, as well as a number of other counts of false statements to law enforcement. Only Mehanna was arrested.

(53) Barry Walter Bujol, Jr.—Attempting to Provide Material Support to Al Qaeda—June 2010

Barry Walter Bujol, Jr. was charged with attempting to provide material support to AQAP and aggravated identity theft.

(54) Faisal Shahzad—Attempted Car Bombing in Times Square—May 2010

Fasial Shahzad was arrested on May 3, 2010 and eventually pleaded guilty to 10 crimes stemming from attempting to detonate a car bomb in Times Square on May 1, 2010. Shahzad was apprehended after being identified at JFK Airport after U.S. Customs agents recognized him from video taken at Times Square. Two other individuals were indicted in connection with this terrorist plot:

(55) Mohammad Younis was arrested in September 2010 and accused of operating an unlicensed money transmitting business which provided funds to Faisal Shahzad. There are no allegations, however, that Younis was aware of the intended use of the money. In the indictment, he was charged with operating an unlicensed money transfer business between the United States and Pakistan and conspiracy to operate an unlicensed money transfer business. In August 2011, he pleaded guilty to the former charge.

(56) Aftab Ali was charged in a criminal complaint in November 2010 with immigration fraud and making false statements. The complaint alleges that Ali provided $4,900 to Shahzad in February 2010 as part of a hawala transaction. The complaint does not allege that Ali was aware of the intended use of the money by Shahzad, but in April 2011, Ali pleaded guilty to charges of unlicensed money transmitting and immigration document fraud. He was sentenced to time served and ordered to be deported.

(57) Khalid Ouazzani—Providing Material Support to Al Qaeda—May 2010

Ouazzani swore an oath of allegiance to Al Qaeda in June 2008. Ouazzani admitted that, from August 2007 to February 2010, he participated in a conspiracy to provide material support or resources to Al Qaeda. Ouazzani admitted that he personally provided more than $23,000 to Al Qaeda and performed other tasks at the request of and for the benefit of Al Qaeda. Ouazzani also had conversations with others about various ways to support Al Qaeda, including plans for them to fight in Afghanistan, Iraq, or Somalia.

(58) Wesam el-Hanafi and (59) Sabirhan Hasanoff—Providing Material Support to Al Qaeda—April 2010

Wesam el-Hanafi and Sabirhan Hasanoff were indicted for conspiring to provide material support, including computer advice and assistance, to Al Qaeda.

(60) Colleen R. LaRose, (61) Jamie Paulin Ramirez, and (62) Mohammad Hassan Khalid—Material Support to Terrorists—March 2010

On March 9, 2010 Colleen LaRose was charged with conspiracy to provide material support to terrorists, conspiracy to kill in a foreign country, making false statements to a government official, and attempted identity theft. The indictment charged that LaRose, an American citizen who went by the alias ''Jihad Jane'', was part of a group who recruited men on the Internet to wage violent jihad in South Asia and Europe, and recruited women on the Internet who had passports and the ability to travel to and around Europe in support of violent jihad. Additionally, LaRose was accused of directly plotting to kill a citizen of Sweden. LaRose, aka ''Jihad Jane,'' pleaded guilty in February 2011 in the Eastern District of Pennsylvania and Ramirez pleaded guilty in the Eastern District of Pennsylvania in March 2011.

On April 2, 2010, Jamie Paulin Ramirez, a U.S. citizen and former resident of Colorado, was also charged with conspiracy to provide material support to terrorists, and linked to the same group as LaRose. The superseding indictment charged that LaRose and Ramirez traveled to and around Europe to participate in and in support of violent jihad.

Finally, on October 20, 2011, Mohammad Hassan Khalid was also charged with providing material support to terrorists linking back to the same case as LaRose and Ramirez. The indictment alleged that, from about 2008 through July 2011, Khalid conspired with LaRose, Ramirez, and others to provide material support and resources, including

logistical support, recruitment services, financial support, identification documents and personnel, to a conspiracy to kill overseas.

(63 through 71) Nine Members of Militia Group ''The Hutaree'' Charged with Attempted Use of Weapons of Mass Destruction—March 2010

Six Michigan residents, two Ohio residents, and a resident of Indiana were charged with attempted use of weapons of mass destruction among other charges. The indictment alleged that nine individuals who were part of the Lenawee County Michigan militia group called the Hutaree, conspired to oppose by force the authority of the U.S. government. The indictment further alleged that the Hutaree planned to kill an unidentified member of local law enforcement and then attack the law enforcement officers who gathered for the funeral. According to the plan, the Hutaree would attack law enforcement vehicles during the funeral procession with improvised explosive devices, which, according to the indictment, constitute weapons of mass destruction.

(72) Raja Ladrasib Khan—Provided Material Support to Al Qaeda—March 2010

Khan was arrested and charged with sending money orders to Ilyas Kashimiri, a Pakistani Al Qaeda Leader on multiple occasions knowing that the money was going to a terrorist organization.

(73) Hosam Maher Husein Smadi—Attempting to use a Weapon of Mass Destruction—March 2010

On September 24, 2009, Hosam Maher Husein Smadi was arrested and charged in a federal criminal complaint with attempting to use a weapon of mass destruction after he placed an inert/inactive car bomb near Fountain Place, a 60–story glass office tower in downtown Dallas. Smadi repeatedly espoused his desire to commit violent jihad and had been the focus of an undercover FBI investigation.

(74) Omer Abdi Mohamed—Conspiring to Provide Material Support to Murder, Kidnap, and Maim Abroad—November 2009

The indictment alleged that Omer Abdi Mohamed conspired to provide material support to kill, kidnap, maim, or injure persons in a foreign country. Among the activities alleged against Mohamed were that he recruited young men to send to Somalia to fight for al-Shabaab. In July 2011, Mohamed pleaded guilty to the charges filed against him.

(75) Abdow Munye Abdow—False Statements in a Terrorism Investigation—October 2009

On October 13, 2009, a federal grand jury returned a two-count indictment charging Abdow Munye Abdow with making false statements to the FBI after being stopped during a road trip from Minneapolis to Las Vegas with young men, allegedly facilitating their travel to Somalia to fight for al-Shabaab.

(76) David Coleman Headley and (77) Tahawwur Hussain Rana—Terrorism Conspiracy—October 2009

On October 29, 2009, David Coleman Headley and Tahawwur Hussain Rana were arrested for their alleged roles in conspiracies to provide material support and/or to commit terrorist acts against overseas targets, including facilities and employees of a Danish newspaper that published cartoons of the Prophet Mohammed in 2005. Eventually Headley pleaded guilty to a dozen charges of terrorism stemming from the November 2008 terrorist attack in Mumbai, India. Headley also admitted to attending training camps in Pakistan to prepare for terrorist attacks and to traveling to Mumbai to conduct surveillance in 2005.

(78) Najibullah Zazi, (79) Adis Medunjanin, and (80) Zarein Ahmedzay—Conspiracy to Use Weapons of Mass Destruction—September 2009

On Sept. 8, 2009, Zazi drove from Denver to New York, carrying explosives and other materials necessary to build bombs and carry out attacks in New York City, including a plan to bomb the New York subway system. However, shortly after arriving in New York, Zazi learned that law enforcement was investigating his activities, so he traveled back to Denver, where he was arrested on Sept. 19, 2009. Medunjanin and Ahmedzay were later arrested in connection with Zazi's bombing plot. All three men had traveled to Pakistan for terrorist training and along with others, planned the New York terrorist attacks. Three other individuals were indicted in connection with this terrorist plot:

(81) Mohammed Wali Zazi, Najibullah Zazi's father was arrested in the fall of 2009 for lying to investigators. On February 1, 2010, he was indicted for conspiring to dispose of his son's bomb-making materials and chemicals. In July 2011, the elder Zazi was found guilty in federal court on one count of conspiracy to obstruct justice and one count of obstruction of justice.

(82) Ahmad Wais Afzali, a Queens Imam, was arrested for tipping off Zazi to the FBI investigation. Afzali had been a source of information for federal and New York City investigators in the past. On March 4, 2010, Afzali pleaded guilty to lying to federal officials. He stated in court that he lied about a conversation he had with Zazi tipping him off to the FBI's investigation.

(83) Naqib Jaji, Zazi's uncle, eventually pleaded guilty to obstructing justice.

(84) Michael Finton—Plot to Bomb the Springfield, Illinois, Federal Building—September 2009

On September 23, 2009, Michael C. Finton, who had converted to Islam was arrested after he drove a van he thought was loaded with explosives—but was actually full of inert materials provided to him by the FBI—to the Paul Findley Federal Building in Springfield, IL. Prosecutors say he parked and locked the vehicle, then moved a few blocks away before twice making cell phone calls he believed would trigger a blast that would kill or injure people inside the building. In May 2011, he pleaded guilty to attempting to bomb the building and was sentenced to 28 years in prison.

(85) Daniel Patrick Boyd, (86) Hysen Sherifi, (87) Anes Subasic, (88) Zakariya Boyd, (89) Dylan Boyd, (90) Mohammad Omar Aly Hassan, and (91) Ziyad Yaghi—Terrorism Violations—July 2009

On July 27, 2009, seven individuals in North Carolina were charged with conspiring to provide material support to terrorists and conspiring to murder, kidnap, maim, and injure persons abroad. The indictment alleged that Daniel Boyd and the other defendants conspired to provide material support and resources to terrorists, including currency, training, transportation, and personnel. The defendants also conspired to murder, kidnap, maim, and injure persons abroad during this period. The object of the conspiracy, according to the indictment, was to advance violent jihad.

(92) James Cromitie, (93) David Williams, (94) Onta Williams, and (95) Laguerre Payen—Plot to Blow up Synagogues and Shoot down U.S. Military Planes—May 2009

These four men were arrested for plotting to bomb synagogues in the Bronx, New York. Additionally, they planned to use Stinger, surface to air missiles, to shoot down military planes at New York Air National Guard Base. The men were contacted by FBI informants and given inert weapons, which they proceeded to try and use, which is when they were apprehended.

(96) Salah Osman Ahmed—Providing Material Support to al-Shabaab—July 2009

On February 19, 2009, Salah Osman Ahmed pleaded guilty to providing material support to al-Shabaab.

(97) Abdifatah Yusuf Isse—Providing Material Support to al-Shabaab—April 2009

On February 19, 2009, Abdifatah Yusuf Isse guilty to providing material support to al-Shabaab.

(98) Kamal Said Hassan—Providing Material Support to al-Shabaab—February 2009

On February 19, 2009, Kamal Said Hassan pleaded guilty to providing material support to al-Shabaab and making false statements to the FBI.

Mrs. FEINSTEIN. It is also important to understand that suspected terrorists who may be in the United States illegally can be detained within the criminal justice system using at least the following four options: One, they can be charged with a Federal or State crime and held; two, they can be held for violating immigration laws; three, they can be held as material witnesses as part of Federal grand jury proceedings; and, four, they can be held under section 412 of the PATRIOT Act for up to 6 months.

I wish to be very clear about what this amendment is and what it is not about. It is not about whether citizens such as Hamdi and Padilla or others who would do us harm should be captured, interrogated, incarcerated, and severely punished. They should be. But what about an innocent American? What about someone in the wrong place at the wrong time with the wrong skin color?

The beauty of our Constitution is that it gives everyone in the United States basic due process rights to a trial by a jury of their peers. That is what makes this Nation great. As Justice Sandra Day O'Connor wrote for the plurality in Hamdi v. Rumsfeld:

> As critical as the Government's interests may be in detaining those who actually pose an immediate threat to the national security of the United States during ongoing international conflict, history and common sense teach us that an unchecked system of detention carries the potential to become a means for oppression and abuse of others who do not present that sort of threat.

Just think of it. If someone is of the wrong race and they are in a place where there is a terrorist attack, they could be picked up, they could be held without charge or trial for month after month, year after year. That is wrong. Experiences over the last decade prove the U.S. is safer now than before the 9/11 attacks. Terrorists are behind bars, dangerous plots have been thwarted. The system is working and hopefully improving each day.

So I think now is the time to clarify U.S. law to state unequivocally that the government cannot without trial or charge indefinitely detain Americans and green card holders captured inside this country.

The Federal Government experimented with indefinite detention of U.S. citizens during World War II, a mistake we now recognize as a betrayal of our core values. Let's not repeat it. I urge my colleagues to support this amendment.

I yield the floor for Senator PAUL.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Kentucky.

Mr. PAUL. Mr. President, I rise to support Senator FEINSTEIN's amendment. I compliment her on her work. I also echo the importance of the right to trial by jury. In fact, I am appalled that anyone would think we could arrest anyone in our country without charging them and giving them a right to a trial. It seems so fundamentally un-American.

I agree with her also that I think the Supreme Court would apply this to anyone. Our amendment will say citizens and permanent residents. But I think the Supreme Court, if challenged, will uphold the right to trial by jury of anyone within the United States.

Today, we will either affirm the right to trial by jury or restrict it. Today, we will vote to affirm the sixth amendment to the Constitution or we will spurn it. Today, we will vote to affirm 800 years of history, beginning with the Magna Carta, or we will relinquish or, at the very least, diminish a right that Jefferson referred to as ''the only anchor yet imagined by man, which a government can be held to the principles of its Constitution.'' The right to trial by jury was a check on oppressive government.

Opponents of the right to trial by jury will come and they will argue that the American homeland is now a battlefield and that we must circumscribe our right to trial by jury to be safe from terrorists. But if we give up our rights, have not the terrorist won? If we let fear relinquish our rights—if we relinquish our rights because of fear, what is it exactly then we are fighting for?

We are asked to relinquish our rights because the battlefield is limitless. It is, though, not a temporary suspension they are asking for, and they request this because they also say the battle is also without limit. This is not a war that is going to end, nor is it a right they will suspend temporarily. They are asking people to relinquish their right to trial by jury for the rest of this limitless war.

Those Senators who would propose limiting the right to trial by jury, they deflect and demur that everyone will still have a habeas hearing. A habeas hearing is important. They must present the body and a judge might say: Why are you holding this person? But it is not the end of due process; it is the beginning of due process.

A habeas hearing is not due process. It is the beginning. We must still have a trial by jury or we do not have the due process our Founding Fathers fought for. Those Senators who would abridge this and say a habeas hearing is enough should remember Blackstone's admonition, ''Every new tribunal, erected for the decision of facts without the intervention of a jury . . . is a step towards establishing aristocracy, the most oppressive of absolute governments.''

We are told we cannot do this. We have to put these people outside the constitutional court, that somehow we need something beyond the Constitution, that the Constitution is not enough to convict terrorists. Yet hundreds of terrorists have been convicted. In fact, two terrorists in my little small town, Bowling Green, KY, were apprehended and were tried and were convicted to life for terrorism. We can do it.

We are told that only terrorists associated with al-Qaida will this be applied to. We will only take away the right to trial by jury if they are part of al-Qaida. But part of the security apparatus also tells us to know your neighbor. Know your neighbor so you can report your neighbor.

In fact, we are told by the government some of the characteristics that might make you a terrorist. We are told by the Department of Justice that if you have stains on your clothing, that if you are missing fingers, if you have changed the color of your hair recently, that if you prefer to pay in cash, that if you own weatherized ammunition, if you own multiple guns, you might be a terrorist; that your neighbor should report you.

Do we want to relinquish our right to trial by jury if the characteristics of terrorism are wanting to pay by cash? In Missouri, they had fusion centers. They are supposed to accumulate information about terrorists and sort of assimilate Federal and local and have better communications.

Sounds good. I am all for better communications. Before 9/11 we did mess up. We did not communicate well. But from this fusion center comes a document that says: Beware of people who have bumper stickers supporting third-party candidates, beware of people who believe in stricter immigration laws, beware of people who support the right to life; they might be terrorists. This is an official document. Do we want to give up the right to trial by jury when we are being told someone who keeps food in their basement might be a terrorist?

Am I the only one who fears the relinquishing of a right we have had for 800 years? Am I the only one who fears that a terrorist might be someone whom we might describe as someone who is a constitutionalist? This is an ancient right to trial by jury we have had since virtually the beginning of our historic times. The Greeks and the Romans had a form of right to trial by jury.

In 725 A.D., Morgan of Glamorgan, the Prince of Wales, said, ''For as Christ and his Twelve Apostles were finally to judge the world, so human tribunals should be composed of twelve wise men.'' We have been doing this for hundreds upon hundreds of years. We saw it as a way to check the oppression of the King but also to check the potential oppression of government.

England and America have for centuries prized this right to trial by jury. It seems a shame to scrap it now. Our Founders believed so firmly in the right to trial by jury that they enshrined it in the body of the Constitution, again in this sixth amendment and again every State of the Union has within the body of its constitution the right to trial by jury.

It seems a shame to scrap it now. Churchill proudly remembers our joint devotion to trial by jury. He writes, ''We must never cease to proclaim in fearless tones the great principles of freedom and the rights of man which are the joint inheritance of the English-speaking world and which through the Magna Carta, the Bill of Rights, habeas corpus, trial by jury and the English common law find their most famous expression in the Declaration of Independence.''

Senator Lafollette, a famous Senator from Wisconsin, put it well. He said:

> Let no man think that we can deny civil liberty to others and retain it for ourselves. When zealot agents of the government arrest suspected radicals without warrant, hold them without prompt trial, deny them access to counsel and admission of bail . . . we have shorn the Bill of Rights of its sanctity . . .

Today we have a chance to reaffirm our belief in the right to trial by jury. We have a chance to replace fear with confidence, confidence that no terrorist and no country will ever conquer us if we remain steadfast, steadfast to the principles of our founding documents.

We have nothing to fear except our own unwillingness to defend what is naturally ours, our God-given rights. We have nothing to fear that should cause us to relinquish our rights as free men and women. I urge my colleagues to reject fear, to reject the siren call for an ever more powerful government.

Justice White put it well when he said:

> A right to jury trial is granted criminal defendants in order to prevent the oppression by the government.

It is not just about a fair trial, it is about checking your government. This vote today is about more than just combating terrorism or a fair trial, it is about relinquishing the right to the checks and balances, to the checks that cause and help us to check the relentless growth of government. It is about whether a free people are willing to remain steadfast in our defense of an 800-year-old right that finds justice for the accused and provides restraint and limits on despotism.

I hope my colleagues will today vote against limitations on the trial by jury, recognize its sanctity, and recognize the importance of something that brings Members from the right side of the aisle together with Members of the left side of the aisle who believe strongly in the defense of the Bill of Rights.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I rise today to speak in favor of the Feinstein-Lee amendment to the National Defense Authorization Act. At the outset, I wish to note this amendment is the product of bipartisan discussion and collaboration on an issue that is important to all Americans. I am pleased to have been a part of that process.

Senator FEINSTEIN and I have worked closely together over the course of the past year to craft what we believe represents a very prudent course in protecting both our Nation and our liberties at the same time. Security is important. And precisely because it is important it must not be acquired at the expense of our individual liberty. It may well be said that government's most important basic responsibility is to protect the liberties of its citizens. Our Nation has fought wars on American soil and around the world in defense of individual liberty, and we must not sacrifice this most fundamental right in pursuit of greater security, especially when we can achieve security without compromising liberty.

The Feinstein-Lee amendment does precisely that. It protects liberty by ensuring that no American will be deprived of due process. The fifth amendment states:

> No person . . . shall be deprived of life, liberty or property, without due process of law.

The sixth amendment, likewise, guarantees that individuals accused of a crime will have access to an attorney and access to a trial by a jury consisting of that person's peers. Our amendment protects those rights and it provides the following:

> An authorization to use military force, a declaration of war, or any similar authority shall not authorize detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States.

It is important to note the Supreme Court has never specifically held that an authorization for the use of military force somehow authorizes the indefinite detention of a U.S. citizen or a U.S. person apprehended within the United States, and I don't think we should break new ground here. I don't think we should start opening that precedent and suggest that is somehow acceptable. The Constitution does, in fact, require nothing less than traditional due process for all Americans apprehended within the United States.

As Supreme Court Justice Anthony Scalia has written:

> The gist of the Due Process Clause, as understood at the founding and since, was to force the government to follow . . . common-law procedures traditionally deemed necessary before depriving a person of life, liberty, or property. When a citizen was deprived of liberty because of alleged criminal conduct, those procedures typically required committal by a magistrate followed by indictment and trial.

I understand and respect, of course, the fact that we live in perilous times. We, unfortunately, as Americans have enemies not only around the world but even within our own borders. This is unfortunate. This creates challenging times for us. I hope and pray every day we will be successful in fending off those who would harm us, those who hate our way of life and everything about us and will do everything in their power to destroy us and our liberty. But that does not—it cannot, it will not—mean we, as Americans, should surrender our basic instinct to be free.

We must stand behind our 225-year-old founding document as it has been amended to ensure that our liberty isn't taken away from us to give us a path toward providing for our security without jeopardizing the freedom our American citizens cherish so much and have fought so hard and for so long to protect.

Granting the U.S. Government the power to deprive its own citizens of life, liberty, or property without full due process of law goes against the very nature of our Nation's great constitutional values. This amendment—the Feinstein-Lee amendment—protects those values. I urge my colleagues to support it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, somewhere on this desk I have a unanimous consent request.

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.

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. Mr. President, I ask unanimous consent that Senator BAUCUS be added as a cosponsor to my amendment No. 3018.

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

Mrs. FEINSTEIN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, I ask unanimous consent that it now be in order for Senator LEAHY to call up his amendment No. 2955; that the time until 6 p.m. be equally divided in the usual form; that at 6 p.m. the Senate proceed to a vote in relation to the Leahy amendment No. 2955; further, that there be no amendments in order to the Leahy amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, but I am not objecting, I wish to engage in a colloquy with the distinguished chairman.

Is it our intention to continue to consider amendments following this amendment, and I don't know whether there is a possibility of votes, but we certainly—isn't it correct to say we could consider amendments, and we will try to dispose of them given the limited time we have to consider the bill?

Mr. LEVIN. It would be my hope that after this vote, we would be able to clear amendments, perhaps——

Mr. MCCAIN. Debate.

Mr. LEVIN. And to have the Senators debate amendments.

I know Senator COBURN will be here between now and 6 o'clock to debate the Leahy amendment. We don't need to protect him further since the time is equally divided, and he can have part of the half hour of time.

But it is my hope that people who want to dispose of amendments will come after the 6 o'clock vote and bring these amendments to our attention, see if our staffs can make progress, clear amendments, and maybe package some votes for tomorrow morning. We can make progress after this vote if our colleagues will cooperate with us.

Mr. MCCAIN. I thank my friend, and I do not object.

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

AMENDMENT NO. 2955

(Purpose: To improve the Public Safety Officers' Benefits Program)

Mr. LEAHY. Mr. President, I call up amendment No. 2955.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2955.

Mr. LEAHY. 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. LEAHY. Mr. President, this is actually a simple amendment. It strengthens the Public Safety Officers' Benefits Act. That is the Federal death and disability program that we have for our Nation's first responders who are killed or disabled in the line of duty. There is nothing new to this body in this amendment.

An earlier version of this legislation was adopted on the Senate floor by voice vote in December of 2001. It was adopted as part of the FAA Air Transportation Modernization and Safety Improvement Act. In fact, following the Senate's adoption of the amendment, I worked closely with the House Judiciary chairman, the distinguished Member of the House, Congressman LAMAR SMITH of Texas. He and I added additional reforms so we ended up with an improved bill. We ended up with a

modest expansion of benefits for deserving emergency medical responders and a host of reforms to make the Public Safety Officers' Benefits Program stronger, more efficient, and more cost-effective.

The most important thing, CBO, which initially had concern, reviewed it and found this cost nothing. The CBO recognized the cost savings associated with the reforms and efficiencies that we incorporated and determined that the modest expansion of benefits was fully offset by these reforms. What we are saying, since 1974, this country has recognized that we have first responders who are killed and disabled in the line of duty whose families deserve our help. This bipartisan legislation does that.

We have determined that a police officer who is shot in the line of duty, a first responder, a firefighter, an emergency medical responder and others who are killed in the line of duty, died as a result of their work in the line of duty, that they would have and share in the same benefit we have provided for the whole country. This clarifies the policy for all first responders who serve their communities in an official capacity.

It is hard to think of anybody who could possibly disagree with this amendment. It costs taxpayers nothing. It builds upon and improves what we have always done.

Let me tell a story. Before we had this act, before we had this law, when I was a young State's attorney, the police chief in Manchester, VT, responding to a burglary, was shot and killed. He was a man, the sole support of his wife and his aging mother. It turned out there was no program at that time, no assistance from the state or Federal Government. This was prior to 1974, 1976, and there was no program to care for them, to care for the widow. Therefore, there was not even money to pay for his funeral.

I was president of the Vermont State's attorneys association at the time, and I started making calls around the State. We quickly raised the money for his funeral and for some modest help for his family. I still remember that funeral. It was one of those days we often have in the winter during a snowfall when there are very large snowflakes. They call them silver dollar snowflakes, and they are very large. They were falling gently out of the sky. But on the two-lane road leading to this small church, a typical New England church with a white steeple on it, for miles and miles all we saw is that of the snow coming down in the reflection. The blue lights from the police cars were flashing, the red lights from the firetrucks were flashing, and the white and red lights from the ambulances were flashing. I have never forgotten that.

Today, thanks to Federal legislation, if that happened again, there would at least be benefits, as it should be. But this is something that could happen in Vermont or Rhode Island or any other State in this country. This measures contained in this amendment were passed in the House overwhelmingly by voice vote in June of this year. It passed here on the floor of the Senate by voice vote before that. It has no cost to the taxpayers, which is something Chairman SMITH and I worked on together to ensure. I hope it will pass and at 6 o'clock we vote on it.

I reserve the balance of my time and I suggest the absence of a quorum and ask that time be equally divided during the call of the quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I ask unanimous consent that Senator DEMINT be added as a cosponsor of the amendment entitled ''Feinstein-Collins amendment No. 3018.''

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

Ms. COLLINS. Mr. President, I rise to speak in support of the amendment offered by Senator FEINSTEIN. The purpose of our amendment is to make clear that a U.S. citizen or legal permanent resident arrested in this country cannot be detained indefinitely without charge or trial. This amendment is necessary because current law with respect to the indefinite detention of U.S. citizens within the United States remains unclear after more than 11 years of a persistent conflict in which the enemy often does not distinguish itself from civilians.

Without this amendment, it is conceivable that an American citizen could be arrested, detained, and held without charge or trial in order to address the gap in the law. Our amendment is necessary.

Last year the fiscal year 2012 National Defense Authorization Act defined the scope of the detention authority provided under the 2001 Authorization for Use of Military Force for detainees captured outside the United States. But the scope of detention authority, as it relates to U.S. citizens and lawful residents captured or arrested inside the United States, was left nebulous.

Because of this legal ambiguity, despite the guarantees enshrined in our Constitution, an American citizen could be indefinitely detained without charge or trial, even if they are detained in the United States.

I do not believe that many of us intended to authorize such a sweeping detention authority within the United States when we voted to allow our military to pursue al-Qaida following the 9/11 attacks.

Because Congress was responsible for authorizing the use of military force in the first place, it is our duty, our obligation, to define carefully the scope of the detention authority we intended in the AUMF. If we do not clarify this important issue, the Federal courts and the executive branch will be left to substitute their judgment for ours. This amendment specifically addresses the issue of American citizens and lawful permanent residents detained in the United States, and it would clarify that it is not the intention of the Congress to allow for their indefinite detention.

Let me briefly mention what the Feinstein-Collins amendment does not do.

First, it does not change the ruling in Hamdi v. Rumsfeld. In that case, the Supreme Court ruled that an American citizen who wages war against U.S. troops in an active combat zone can be taken into preventive detention in order to keep that person from continuing to wage war overseas against American military forces.

When an American citizen leaves this country to wage war against his fellow citizens, he relinquishes certain rights, otherwise supported by the Constitution, and I agree with the Court's decision in this case.

Next, this amendment does not preclude intelligence gathering subsequent to a suspected terrorist being taken into detention.

The intelligence gathered from a suspect in the hours or days after his arrest can be vital to preventing further acts of violence or in uncovering terrorist networks at home or abroad. This amendment balances the ability to gather this important information with the suspect's rights by providing some flexibility within the Constitution's bounds.

For example, it does not circumscribe the existing public safety exception to Miranda. This exception permits law enforcement, in certain circumstances, to engage in a limited and focused unwarned interrogation and allows the government to introduce the statement as direct evidence in a judicial proceeding. Law enforcement officials, confronted with an emergency, may question a suspect held in custody about an imminent threat to public safety without providing Miranda warnings first.

In addition, nothing precludes other Federal agents from gathering intelligence without providing Miranda rights. Under current law, a U.S. citizen cannot be tried in a military tribunal, and that does not change under our amendment.

Finally, this amendment does not change the treatment of those who are here on temporary visas, such as students or travelers—the kind of visas that were used by the 9/11 terrorists.

In closing, let me talk about how this amendment would have changed the treatment of some U.S. citizens detained under the authorization for use of military courts during the last 11 years had it become law.

First, because this amendment only covers American citizens captured in

the United States, it would not have affected the detention of John Walker Lindh, for example. So the only U.S. citizen affected by this amendment would have been Jose Padilla. If this amendment were the law, Jose Padilla's detention would have ended as it did under the Bush administration—in a Federal courtroom, where he was charged with aiding terrorists in a terrorist organization.

Since 2001 terrorism has claimed far too many victims, both abroad and here in our country. But it is crucially important that in pursuing the war on terrorism, we must assure our fellow citizens their constitutional rights—the very foundation of what makes us Americans. For this reason, I am proud to be a cosponsor of Senator FEINSTEIN's amendment, and I strongly urge its adoption.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2955

Mr. COBURN. Mr. President, I would like to spend a few minutes noting why I am against the expansion of the Dale Long Public Safety Officers' Benefits Improvements Act. And it is a great example of where we find ourselves in the country. If you read the Constitution and look at the enumerated powers, we have a Federal program to benefit what is really the responsibility of States. Now, nobody is going to say this isn't a beneficial program to those poor families who might need this. And the chairman of the Judiciary Committee has done a wonderful job in terms of offsetting this so that there is no additional cost, and for that I congratulate him. But this is a great example of why we have $88 trillion in unfunded liabilities and are $16 trillion in debt—because we are doing a function that is truly the responsibility of the States.

The PSOB Program was originally designed, in its original design, to be a model so that the States would set up and demonstrate to them how they could structurally set up their own programs. Over the last 30 years, Congress has continued to expand this program, and now we spend about $81 million to $85 million a year on this program. I am not saying it is not needed money for the families, but we are going to expand a program that is truly not a Federal responsibility.

I have no hopes this will be defeated. I know it won't. But I wanted to raise this question: Given what is in front of us, it is one thing to meet the needs under our Federal requirements for Medicare and Medicaid, but when are we going to stop expanding programs that aren't truly our responsibility? The cause is great. It is appropriate for a government agency to help in times for the people who actually put their lives on the line for us. But is it a Federal responsibility? The answer is no, it is not. It is a State responsibility. As we assume more and more responsibilities for the States, with budget deficits in excess of $1 trillion, what we are going to do is find ourselves at a point where we are going to have to make cuts in programs that are our responsibility.

All I ask you to do is think about whether this is truly a responsibility of the Federal Government and whether we ought to be expanding the program. It is well-intentioned and does great work, I don't discount that. It is well-deserved, I don't discount that. But is it a responsibility of the Federal Government?

I would state to the chairman that I would be happy to have a voice vote on this and not force a vote because I know the outcome and we shouldn't waste everybody's time to do that. So I ask for a voice vote and to vitiate the vote that is scheduled for 6 o'clock.

The PRESIDING OFFICER. Is there objection to that request?

Mr. LEVIN. Mr. President, I am not sure what that request was.

The PRESIDING OFFICER. The request was for a voice vote on the Leahy amendment now.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will be asking for the yeas and nays at the appropriate time.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. LEAHY. Mr. President, it is my understanding that we will be voting at 6 p.m. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. And as I understand, the managers will be requesting a rollcall vote.

Mr. President, how much time does the Senator from Vermont have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. LEAHY. Mr. President, the distinguished gentleman from Oklahoma has noted his objection, and I appreciate him doing that, but I would also note that we share different views on this. For example, the Senator from Oklahoma was the lone vote opposing the Bulletproof Vest Partnership Grant Act of 2012. The Bulletproof Vest Partnership Grant Program has saved the lives of hundreds and even thousands of our police officers. He opposes the Public Safety Officers' Benefits Act, which provides a Federal death benefit to surviving families of first responders who are killed in the line of duty. And he is objecting to the passage of the bipartisan, bicameral, and cost-neutral Public Safety Officers' Benefits Improvements Act of 2012, which would make important reforms to a program that has assisted the families of thousands of police officers and other first responders who have lost their lives protecting their communities and fellow citizens.

During the months when we were trying to pass the Public Safety Officers' Benefits legislation, we heard from Chuck Canterbury, the highly respected president of the Fraternal Order of Police. He is one of our Nation's law enforcement leaders. He wrote to the chairs of both the Senate and House Judiciary Committees about the distinguished Senator's opposition to this cost-neutral Public Safety Officers' Benefits Program reform, and he concluded:

> The FOP views this not as a politician embracing the principle of federalism, but as a . . . ploy to place even greater strain between law enforcement and other public safety officers that serve on the local and State level and their colleagues employed by the Federal government. When a police officer puts himself in harm's way, he does not stop to think about jurisdiction. He does not ask the offender if he is committing a local, State, or Federal crime. He acts in the best interest of the safety of those he swore to protect. A family that loses a loved one in the line of duty should not just be left adrift, their sacrifice ignored because their loved one was a local firefighter or State Trooper and not a Federal agent.

I hope the Senate will overwhelmingly pass this bipartisan piece of legislation. We have always supported our first responders. I think back to my own experience in law enforcement and also the experience of former Senator Ben Nighthorse Campbell from Colorado, who I joined to write legislation, based upon his experience in the sheriff's department in Colorado, and my experience as a prosecutor, to provide assistance to state and local law enforcement to obtain bulletproof vests. The amendment we consider today is in that same spirit. Anybody who served in law enforcement, anybody who served as a volunteer firefighter or emergency medical responder, anybody in any part of this country who serves in these capacities knows the need for this. The fact that we have been able to improve the existing law, with no cost to the taxpayer, is even better.

Mr. President, I ask unanimous consent to have printed in the RECORD letters from the Congressional Fire Services Institute, International Association of Fire Chiefs, International Association of Fire Fighters, National Fire Protection Association, National Volunteer Fire Council, and the American Ambulance Association in support of this legislation.

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

NOVEMBER 28, 2012.

Hon. PATRICK LEAHY,
Chairman, Senate Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN LEAHY: We are writing to express support for S.A. 2955, which would amend S. 3254, the National Defense Authorization Act to include language from the Public Safety Officers' Benefits Improvements Act (PSOBIA). As you know, the Public Safety Officers' Benefits (PSOB) program provides critical assistance to the families of public safety officers who suffer a fatal injury in the line of duty and to public safety officers who suffer a permanently disabling injury in the line of duty.

PSOBIA would make several important changes to how PSOB is administered, including making employees and volunteer members of private, non-profit EMS/rescue

agencies eligible. Volunteer and career firefighters and EMTs in private, non-profit fire departments already qualify for PSOB while their counterparts in non-fire-based, private non-profit EMS systems generally do not. PSOBIA fixes this inequity.

The bill also clarifies that public safety officers who suffer a fatal vascular rupture injury in the line of duty are eligible for PSOB. The Hometown Heroes Survivors Benefits Act was enacted in 2003 and created a presumption that public safety officers who suffer a fatal heart attack or stroke within 24 hours of engaging in emergency response activity are considered to have died as a result of a line of duty injury and thus qualify for PSOB. Vascular rupture is a type of injury that is similar to but technically distinct from heart attack and stroke.

To reiterate, our organizations support S.A. 2955, which makes several minor but extremely important changes to how the PSOB program operates without any additional cost to the federal government.

Sincerely,

CONGRESSIONAL FIRE SERVICES INSTITUTE,
INTERNATIONAL ASSOCIATION OF FIRE CHIEFS,
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS
NATIONAL FIRE PROTECTION ASSOCIATION
NATIONAL VOLUNTEER FIRE COUNCIL.

AMERICAN AMBULANCE ASSOCIATION,
November 27, 2012.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.
Hon. JOHN MCCAIN,
Ranking Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEVIN AND RANKING MEMBER MCCAIN: We are writing to ask your support for a critical amendment to the FY 13 National Defense Authorization Act (NDAA) Senate Amendment 2955, the Dale Long Public Safety Officers' Benefits Improvements Act of 2012.

The American Ambulance Association (AAA) is the primary trade association for ground ambulance service agencies whose combined membership provides emergency and non-emergency medical services to over 75% of the U.S. population. Each day our first responders put their lives on the line to serve our nation, yet they face an inequity in the existing Public Safety Officer Benefits Program, a longstanding Federal program designed to help honor those that lose their lives in the line of duty.

In order to fix this inequity, we strongly urge you to support Senate Amendment 2955. The amendment includes critical improvements to the Public Safety Officers' Benefits Program, also known as the Dale Long Public Safety Officers' Benefits Improvements Act of 2012. This amendment would make members of rescue squads or ambulance crews operated by nonprofit entities eligible for benefits paid when a public safety officers is permanently disabled or dies in the line of duty. The amendment also includes a host of important reforms to the program including the reduction of claims processing and administrative to name a few. Just as importantly, the Congressional Budget Office has provided a neutral score on the issue

Every state in the country has communities that have elected to have their emergency medical services provided by nongovernmental EMS agencies. The Public Safety Officer Benefit (PSOB) program, however, currently applies only to those public safety officers employed by a federal, state, or local government entity. The brave men and women employed by nongovernmental EMS agencies provide the same vital emergency medical services as governmental officers and do so daily in the same dangerous environments. It is unfair to penalize nongovernmental public safety officers and their families simply because their employer is a non-profit EMS agency which cannot afford to offer the same level of benefits as the PSOB program. This amendment would correct this inequity.

We thank you for all your years of service to our country and to the support you've provided to the nation's first responders. Again, we urge you to support Senate Amendment 2955 as you move forward on the NDAA bill. If you have any questions, please do not hesitate to contact Tristan North of the AAA at tnorth@the-aaa-.org or 202–486–4888.

Thank you.

Sincerely,

STEVE WILLIAMSON,
President,
American Ambulance Association.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask to call up amendments Nos. 3007, 3008, 3009, 3010, and 3013.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. And No. 3011.

Mr. LEVIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Indiana.

Mr. COATS. Mr. President, I was listening to the dialog here that was going back and forth.

The PRESIDING OFFICER. The Republican time has expired under the current order.

Mr. MCCAIN. Mr. President, I ask unanimous consent for 2 additional minutes for the Senator from Indiana.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COATS. Mr. President, I just wanted to comment that I was listening to the discussion going on here about the Leahy amendment.

I don't know what the history of all this is, but I simply want to say that I think the Senator from Oklahoma asked a very legitimate question that we all ought to consider; that is, Is this legitimately a Federal responsibility? Given the fiscal plight that we are in and careening toward the cliff, do we want to keep expanding Federal programs? But in deference to his colleagues and the timeframe here, he said he understands that it will be a virtually unanimous vote despite his question, which is legitimate and I think we all ought to consider. But that was rejected. And then the response to somebody who I think was trying to be deferential to the Senator from Vermont and his proposals sort of is put in a position where it looks as though he is not trying to be conscious of the situation that exists.

I think he asked a legitimate question to which all of us, given our current fiscal situation, ought to give due consideration.

I thank the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I would note that this is a very modest expansion of benefits for emergency medical technicians who serve at the direction of a state emergency response system, and is entirely offset by other provisions in the amendment. It simply reforms and improves what is already law and adds no cost—no Federal cost.

And if I could have the attention of the Senator from Indiana, this is less an expansion than a correction to a gap in the existing law. It is a reform of programs we have, and it is of no cost to the Federal taxpayers.

I see the Senator from Arizona on the floor. I am perfectly willing to yield back my time and go to vote if he wishes.

Mr. MCCAIN. I thank the chairman.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, two things.

No. 1, we are going to proceed to the rollcall vote in a moment, and with Senator MCCAIN's support and consent, I would like to let our colleagues know we will be here after this vote. That doesn't mean there will be any additional votes tonight. That is not up to us to decide; that is the leadership call. But we will be here to try to clear amendments for either voice votes or for votes tomorrow if there are no rollcall votes today or for debate. Senator MCCAIN and I are prepared to stay here to receive the amendments people want to discuss and to see if we can't get some of them cleared and perhaps voice-voted tonight.

Mr. MCCAIN. I yield all remaining time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), and the Senator from Kentucky (Mr. PAUL).

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

The result was announced—yeas 85, nays 11, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—85

Akaka	Blumenthal	Cantwell
Alexander	Blunt	Cardin
Ayotte	Boozman	Carper
Barrasso	Boxer	Casey
Baucus	Brown (MA)	Chambliss
Begich	Brown (OH)	Cochran
Bennet	Burr	Collins

Conrad	Landrieu	Roberts
Coons	Lautenberg	Rockefeller
Crapo	Leahy	Rubio
Durbin	Levin	Sanders
Enzi	Lieberman	Schumer
Feinstein	Lugar	Sessions
Franken	Manchin	Shaheen
Gillibrand	McCaskill	Shelby
Grassley	McConnell	Snowe
Hagan	Menendez	Stabenow
Harkin	Merkley	Tester
Hatch	Mikulski	Thune
Heller	Moran	Toomey
Hoeven	Murkowski	Udall (CO)
Hutchison	Murray	Udall (NM)
Inouye	Nelson (NE)	Vitter
Isakson	Nelson (FL)	Warner
Johanns	Portman	Webb
Johnson (SD)	Pryor	Whitehouse
Kerry	Reed	Wicker
Klobuchar	Reid	
Kohl	Risch	

NAYS—11

Coats	DeMint	Kyl
Coburn	Graham	Lee
Corker	Inhofe	McCain
Cornyn	Johnson (WI)	

NOT VOTING—4

Bingaman	Paul
Kirk	Wyden

The amendment (No. 2955) was agreed to.

Mr. LEVIN. 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. LEVIN. 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. LEVIN. I have been talking now with Senator MCCAIN. This is what our plan is for tonight and for the morning. In the morning, we would hope we would be able—we would first hope to address the Kyl amendment. We would hope to take up and dispose of the Kyl amendment first thing in the morning.

We would then expect to move to Senator AYOTTE's amendment, to which there may or may not be a second-degree or a side-by-side amendment offered. After that matter is disposed of, we would expect then to move to a Hagan amendment. And, in between, it is our intent to offer cleared amendments.

I will let Senator MCCAIN join me on this. But these are amendments which have been cleared. People will have a chance overnight to look at them and see if there is any reason that they want rollcall votes or voice votes on these. If there are, we expect they are going to have to come down, object, and vote on those matters. But our staff works hard. We work with the committees of jurisdiction, we work with people we believe have any interest in these amendments. We have perhaps 50 or 100 amendments which we are looking at.

We want to accommodate Senators. We also want to accommodate potential opponents. We have done our best to do both, sponsors and opponents. But that is our plan for tonight and for tomorrow morning. We expect we would then ask Senator HAGAN to be recognized tonight to speak on an amendment, not to call it up but to speak on an amendment that she would be offering tomorrow in the queue which I just described.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the distinguished chairman. I think we have made reasonably good progress today. I think we have disposed of a number of important amendments. We still have a number of issues, particularly the detainee issue, which will probably require that we have a number of speakers. But also I hope we could reach a time limit on that.

The Senator mentioned that there may be possibly a side-by-side or a second-degree amendment to the Ayotte amendment. But I think the chairman would agree, we have made pretty good progress. We have still got quite a long way to go. We have a full day tomorrow. Hopefully we can get it down to a bare minimum of amendments so we can finish.

I thank all of our colleagues for their cooperation. We thank the Senator from North Carolina for discussing her amendment this evening.

Mr. LEVIN. There will be no more votes tonight. After Senator HAGAN's remarks are completed, I ask unanimous consent that there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

The Senator from North Carolina.

Mrs. HAGAN. Mr. President, Mr. President, I wish to call up amendment No.——

Mr. LEVIN. Forgive the interruption again, Mr. President. I hate to interrupt. There will be no amendments called up tonight. The expectation is that you would be recognized tomorrow in that queue to call up the amendment, but that tonight you proceed without calling the amendment up, holding that off until tomorrow.

Mrs. HAGAN. Mr. President, I wish to speak about an amendment I am going to call up tomorrow, amendment No. 3995. I believe it is critical, this amendment to our long-term national security. In August of 2011, the Secretaries of the Departments of Agriculture, Energy, and the Navy signed a memorandum of understanding to invest $170 million each to spur the production of advanced aviation and marine biofuels under the Defense Production Act.

This joint memorandum of understanding requires substantial cost sharing from private industry of at least a 1-to-1 match. The main objective of this memorandum of understanding is to spur the construction or retrofit of commercial scale advanced biofuel refineries. These facilities will produce drop-in advanced biofuels meeting military specifications. They will be located in geographically diverse locations for ready market access, and will have no significant impact on the supply of agricultural commodities for the production of food.

As the largest single consumer of fuel in the world, the Department of Defense uses approximately 120 million barrels of oil each year, spending over $17 billion in fiscal year 2011 on fuel. This dependency on a single source of energy leaves our military's readiness at risk.

When the price of oil goes up $1, it costs the Navy an additional $30 million and the entire Department of Defense over $100 million. Last year alone, this forced the Navy to pay an additional $500 million because the price of fuel was higher than budgeted.

DOD is not going to allow these additional fuel costs to directly affect our missions in Afghanistan. However, cost overruns could force the military to curtail training and less urgent operations resulting in increased risk to future missions. Developing a commercially viable biofuels industry could help DOD diversify its fuel source and reduce the risk of energy volatility.

Our senior military leaders understand that programs such as this MOU are critical to national security. In July, the Secretary of the Navy, the Chief of Naval Operations, and the Marine Corps Commandant expressed their concern to Chairman LEVIN.

> The demand for fuel in theater means we depend on vulnerable supply lines, the protection of which puts lives at risk. Our potential adversaries both on land and at sea understand this critical vulnerability and seek to exploit it.

The Navy and the Marine Corps have been aggressively evaluating how both energy efficiency and alternative sources of energy can provide tactical benefits to expeditionary forces.

Given the impact of this MOU to our national security, I was disappointed when the Senate Armed Services Committee marked up the fiscal year 2013 Defense authorization bill and an amendment was adopted that would prevent the Defense Department from participating further in the MOU. The bipartisan amendment that I offer today seeks to strike that measure.

I believe Senators on both sides of the aisle agree that energy security is a national security imperative.

However, there are honest disagreements over how the United States pursues energy independence. These divergent views are reflected in the debate over the joint MOU.

One argument used by opponents of the MOU is budget related. Given the current budget restraints, the Department of Defense should not be spending resources to help spur a commercially viable advanced biofuels industry. It is important to put in context the amount of money the Navy is spending on this program. The $170 million dedicated to the MOU in one fiscal year represents .03 percent of the entire fiscal year 2013 budget request of the Department of Defense. Let me repeat that. It is .03 percent.

This is not to dismiss concerns about our current budget situation. I too am

deeply concerned about our country's fiscal path, and I continue to advocate for Congress to put politics aside and remake the tough choices necessary to ensure future generations are not burdened by unsustainable debt. However, as we tackle our budgetary challenges, we must not harm programs important to our national and economic security. This joint MOU is one such program.

What about the cost of advanced biofuels? In the past 2 years, the cost of biofuels purchased for these 50–50 fuel blends used in Navy training exercises has dropped by over 50 percent. Moreover, the Navy has made clear that they will not procure large quantities of biofuels for operations until they are cost competitive with traditional fuels. The MOU is bringing the cost of biofuels in line with petroleum, and now is not the time to stop the program from reaching its goals.

As I mentioned earlier, diversifying our energy mix will also help protect our military from the costs associated with price spikes in oil. Sudden energy cost increases force DOD to reallocate finite resources away from long-term priorities.

Critics of the MOU often say if the government wants to promote advanced biofuels, we have a Department of Energy. Of course, the Department of Energy has an important role to play, but so does the Navy and the Department of Agriculture. From my perspective, leveraging the unique capabilities of each agency, in partnership with the private sector, exemplifies the type of innovative approach needed to solve our country's most vexing problems.

Looking back in history, the Navy's leadership on energy innovation is nothing new. It was the Navy that shifted from sail to steam in the middle of the 19th century, steam to oil in the early 20th century, and pioneered nuclear power in the middle of the 20th century. At each of these transitions, there were those who questioned the need, challenged the cost, or simply opposed change of any kind.

I want to make clear that today's debate is not about oil versus biofuels. I was very pleased with the recent International Energy Agency report that projected that the United States would be the world's top oil producer by 2020 and a net exporter of oil around 2030. However, this does not mean we should abandon efforts to diversify our energy supply.

In 1913, on the eve of World War I, Winston Churchill made a historic decision to shift the power source for the British Navy ships from coal to oil. This decision was not without controversy, but Churchill successfully argued that safety and certainty in oil lies in ''variety and variety alone.''

Although at the time Churchill was talking about oil, his message is just as applicable to today's debate about biofuels. True energy security requires energy diversity.

I urge my colleagues at a later date—tomorrow—to support this amendment.

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

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

The legislative clerk proceeded to read as follows.

Mr. MORAN. Mr. President, I ask unanimous consent the quorum call be rescinded.

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

Mr. MORAN. Mr. President, even in this dysfunctional Senate, we as Members, we as Senators have a unique opportunity to be advocates for those who need our help, and we need to provide a voice for those who are in need. For years—a decade, really—I have been an advocate for allowing increased engagement with Cuba. I have been an advocate for Kansas and American farmers having the opportunity to sell their agricultural commodities to Cuba. I have always believed that increased engagement with Cuba is a better way to bring about the changes that we all desire for the Cuban people.

Additionally, I thought that our policy toward Cuba was especially damaging and created a significant disadvantage to Kansas farmers and their competition for markets around the globe, and it was ineffective because it was a unilateral embargo. The market and demand for American commodities do exist off our coastline, and yet Congress and administrations over the years have failed to make it possible for there to be much sale or much relationship, commercial relationship, with the people of Cuba.

For more than a decade I have worked to open those Cuban markets to American agriculture. In 2000 I offered an amendment to the Treasury appropriations bill when I was in the House of Representatives that removed those trade sanctions on food, agriculture, commodities, and medicine. It paved the way for American farmers to sell their crops to Cuba for the first time in more than 40 years.

The language of that amendment ultimately became part of legislation called the Trade Sanctions Reform and Export Enhancement Act, TSRA. Over the years, administrations have made changes that have tightened the rules under that legislation and made it, again, difficult for our farmers to sell agricultural commodities to Cuba. On multiple occasions I have fought to reverse those decisions, those new rules by administrations, to make it easier for us to sell those commodities. We are not even talking about trade; we are simply talking about the sale for cash of those commodities.

In fact, we went through this last year as I offered an amendment to an appropriations bill that was approved by the Appropriations Committee to change those regulations. I say all that because I want to highlight how important and how long term my interest in this issue has been, but that is not the point of what I want to talk about tonight. I want to establish that this matters. But even despite the fact that it matters, I have taken a hiatus, in fact, and announced to the Appropriations Committee this year that I would not be offering that amendment again.

It is not that I have changed my mind about the value of engagement or the importance for Kansas and American farmers to be able to sell their commodities to Cuba, but it is a sincere recognition on my part that the Cuban Government has a responsibility to cooperate with the United States on an issue that many of us are concerned about, which is the unjust detention of an American citizen, Alan Gross.

Nearly 3 years ago, December 3, 2009, Alan was arrested in Havana where he had been working as a U.S. Government subcontractor that had a contract for USAID, an agency whose mission is to help those in need. As a USAID subcontractor, Alan had made five trips to Cuba where he helped a small, peaceful, nondissident Cuban Jewish community. He was arrested. He was detained without charges for 14 months. Later, he had a 2-day trial resulting in a 15-year prison sentence for alleged ''actions against the independence or territorial integrity of the State.''

Since his arrest, now a long time ago, his detention so long ago, Alan's health has deteriorated. He has lost more than 100 pounds and suffers from several debilitating medical conditions. During his imprisonment, several members of his family have faced serious illness. His daughter has been diagnosed with breast cancer, and his 90-year-old mother has been diagnosed with inoperable cancer.

In light of Alan's continued detention, deterioration of his health, and the health problems experienced by his family, 42 of my colleagues joined me and Senator CARDIN earlier this year calling on the Cuban Government to release Alan on humanitarian grounds and allow him to return to his family in the United States. In recent news—in fact, just yesterday—I learned from a press report that Cuba planned to make an announcement regarding Alan Gross. It fueled hope on the part of many of us that the announcement would be that he would be released. Sadly, unfortunately, today the announcement was nothing other than their assessment, Cuban assessment, that Alan is in good health.

I asked my staff and others who know me and know about this issue to say their prayers last night that the release would occur. Once again, Cuba has failed to do what is right and proper. It is unclear whether their claim that Alan Gross is in good health is true. Certainly, many reports indicate that is not the case. He has never been examined by an independent medical examiner, something that is required by international law.

It is past time for Cuba to release Alan and allow him to return to his family. Failure to do so makes any improvement in the relationship between

our two countries so much more difficult and highly unlikely. I think that would benefit the people of Cuba, but their government continues to take an unjust course. Alan should be released and Cuba should do the right thing. Mr. Gross devoted his professional life to helping others through his work in international development. He and his family have suffered more than most could endure over the last 3 years.

Continuing our efforts to bring Alan home, next week, on December 3—the 3-year anniversary—Senator CARDIN and I will introduce a resolution calling for the immediate and unconditional release of Mr. Gross. I ask my colleagues to join us in supporting this resolution to help send the clear message to Cuba that even those of us who want a better relationship, even those of us who have been willing to cast the votes to increase that opportunity for a relationship between the United States and Cuba, want Alan Gross to come home. It is my hope the Cuban Government will reverse course and that Alan can finally come home to his wife Judy and to their family.

I ask my colleagues to join me in that effort and perhaps, more importantly, I ask Americans to join us in the prayer for Alan's release.

I yield the floor.

TRIBUTE TO BAILEY FINE

Mr. CARDIN. Mr. President, I rise today to recognize and give thanks to my State director, Bailey Fine, who is retiring at the end of the 112th Congress after 27 years of devoted service. There is great sadness but deep appreciation as I say goodbye to Bailey who, in 1982, ran my reelection campaign to the Maryland House of Delegates; then served as my campaign aide during my first congressional race in 1986; as my district director for 20 years; and, finally, as my State director during my first term in the Senate.

Over the years, Bailey has been a friend to my entire family, a trusted confidant, a reliable sounding board for my legislative district and statewide agendas. For more than three decades I have been truly fortunate to have her at my side, providing knowledgeable advice and a commonsense approach to the many issues that face Members of the House and Senate.

Bailey is a people person who understands how our work in Washington affects the everyday lives of Marylanders, and she regularly reminds my staff and me of that fact. Bailey's knowledge of Baltimore and of Maryland is unparalleled. She grew up in Northern Virginia but settled in Baltimore in 1970 where she worked first for the Housing Commissioner and later for the late Mayor William Donald Schaeffer.

During her years handling special projects for the mayor, Bailey developed a deep love for Baltimore City and a true understanding of how Baltimore works. Bailey became a creative genius at promoting and highlighting the many achievements of the city under Mayor Schaeffer. Before Mayor Schaeffer left city hall, he nominated Bailey to serve as president of the Baltimore City school board. In that role, she helped parents navigate the school bureaucracy, suggested workable solutions for teachers, and brought a commonsense approach to the Baltimore City school system.

But Bailey's knowledge and expertise goes beyond how government works. She has her pulse on Baltimore and on Maryland. She knows the key players in the city and the State, many of them on a personal level. For many years Bailey has been the go-to person when people need to get things done.

Without a doubt, Bailey has been an invaluable resource to my entire staff, to me, and to the people of Maryland. But she is also a tireless advocate and a voice for families and individuals who may not have had the understanding or resources to access the services they need. Whether it is working with the mayor of Oakland when spring floods threatened a dam near the town, getting housing and other services for a veteran, or working with community groups to improve their schools, Bailey is a relentless public servant. There is also no denying that her energy and enthusiasm are unstoppable and unsurpassed and that her retirement will leave a real void.

Through her efforts, so many people have been connected to jobs, affordable housing, quality health care, or government benefits. So many of these people have benefited from her advocacy, their lives changed for the better, and most of them will never know her name. To me, that is the highest form of public service.

I ask my Senate colleagues to recognize the many contributions that Bailey has made and the example she has set for public service. I also want to take this opportunity to thank Bailey's family, her husband Stanley, and her children Michael and Laura, for their support and understanding as Bailey has worked to help others.

Today is Bailey and Stanley's 41st wedding anniversary, and on December 8 Laura will be married. Please join me in wishing Bailey Fine a healthy and happy retirement and well-deserved time with her family.

REFORMING THE SENATE RULES

Mr. UDALL of New Mexico. Mr. President, I wish to talk about our efforts to change the Senate rules. There has been a great deal of comment on this subject lately.

I have listened with great interest to the arguments against these changes by the other side. Let me just say at the outset: Senators MERKLEY, HARKIN, and I are not talking about taking away the rights of the minority. We are not abolishing the filibuster.

But there must be change. The unprecedented use and abuse of the filibuster and other procedural rules has prevented the U.S. Senate from doing its job. We are no longer the world's greatest deliberative body. In fact, we barely deliberate at all.

For most of our history, the filibuster was used very sparingly. But in recent years, what was rare has become routine. The exception has become the norm. Everything is filibustered, every procedural step of the way, with paralyzing effect. The Senate was meant to cool the process, not send it into a deep freeze.

For some reason, ever since the Democratic majority came into the upper Chamber in 2007, the Senates of the 110th, 111th, and current 112th Congress have witnessed the three highest totals of filibusters ever recorded. A recent report found the current Senate has ''passed a record-low 2.8 percent of bills introduced in that chamber, a 66 percent decrease from the last Republican majority in 2005–2006, and a 90 percent decrease from the high in 1955–1956.''

Our proposal to reform the rules is simple, it is limited, and it is fair. Again, we are not ending the filibuster. We preserve the rights of the minority. We are only proposing that, No. 1, Senators should be required to go to the floor and actually tell the American people why they oppose a bill or nominee in order to maintain a filibuster; and No. 2, motions to proceed to a bill or to send a bill to conference should be nondebatable. These are sensible changes. Yet we are warned that these simple reforms will transform the very character of the Senate, will leave the minority without a voice. These arguments are covers for continued abuse of the rules.

The reforms are modest—some would say too modest. But they would discourage the excessive use of filibusters. The minority still has the right to filibuster, but not the right to do so by simply making an announcement and then going out to dinner or, more likely, to a fundraiser.

Nevertheless, the other party insists we are attacking the rights of the minority. But there seems to be another message, too, with a truly odd logic. They say that if we make any reasonable changes in January, they may make radical ones in the future. In short, if we dare to reform any rule, they might throw out all of them when they are in the majority. How this comports with their stated concern for the rights of the minority is unclear.

It is also being argued that we are breaking the rules to change the rules. This has been repeatedly charged by the minority leader. We disagree. We are reforming the rules to save the Senate. The status quo is abusing the rules and debasing the Senate. It is a choice between rules reform and rules abuse.

History contradicts the minority leader as well. Members of the other side have agreed with changing the rules when they have been in the majority. The RECORD is already chock

full with their past remarks, fervent in their support for changing the rules with a simple majority vote.

This reminds me of a story my Uncle Mo used to tell. A former Senator once said of himself that ''never has the clammy hand of consistency rested upon my shoulder.'' He meant it too. On one occasion, he introduced a bill, and he pushed very hard for it. Then, seeing the tide was turning, he led the fight against his own bill. A constituent sent him a telegram that read ''I thank God for your courageous stand.'' And he replied, ''Which one?''

And so the question: how to change the rules? The Constitution is clear on this point. The Senate rules reforms can be accomplished by a simple majority at the start of the new Congress in January. This is the ''constitutional option,'' not a ''nuclear option.'' That is something else, and I will speak to it in a moment.

This has been a heated topic of debate this week on the Senate floor, particularly between the majority and minority leaders. I have followed the debate carefully, and I would like to address some of the distinguished minority leader's concerns.

Earlier this week, Leader MCCONNELL said the following:

> This small group of primarily senate sophomores is now proposing that when the Senate gavels in at the beginning of the new Congress, a bare majority of senators can disregard the rule that says changes to the Senate's rules can only be approved on the same broad bipartisan basis we reserve for approving treaties and overriding presidential vetoes, a supermajority-plus.

I am glad he framed our argument in this way. Why do treaties and veto overrides require a supermajority vote? Because those requirements are enshrined in our Constitution. The Constitution is very specific about when a supermajority is needed and, just as clearly, when it isn't.

Article I, section 5 of the U.S. Constitution states:

> Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

When the Framers required a supermajority in the proceedings of Congress, they explicitly stated so in the Constitution, as they did for expelling a Member. On all other matters, such as determining the Chamber's rules, a majority requirement is clearly implied.

The constitutional option has been used numerous times since the cloture provision was adopted in 1917, the last being in 1975 when it was the catalyst for amending the filibuster rule to its current form.

In 1957, then-Vice President Richard Nixon noted while presiding in the Senate, ''[W]hile the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of a previous Congress.''

Current Republican Senators agree. Senator JOHN CORNYN said in 2003:

> Just as one Congress cannot enact a law that a subsequent Congress could not amend by majority vote, one Senate cannot enact a rule that a subsequent Senate could not amend by majority vote.''

And Senator Orrin Hatch noted in 2005 that a

> simple majority can invoke cloture and adopt a rules change it is clear that the Senate, at the beginning of a new Congress, can invoke cloture and amend its rules by simple majority.

As I said earlier, some on the other side of the aisle have drawn a false equivalency between the constitutional option and the Republicans' threatened nuclear option of 2005. Yet this misses a crucial distinction. The nuclear option sought to change Senate rules in midsession. The constitutional option follows Senate precedent and would change the rules only at the start of the new Congress.

We don't have to reform the rules with only a majority vote in January. That is up to my colleagues on the other side of the aisle. Each time the filibuster rule has been amended in the past, a bipartisan group of Senators was prepared to use the constitutional option. But they didn't have to. With the inevitability of a majority vote on the reforms looming, enough Members agreed on a compromise and passed the changes with two-thirds in favor.

We could do that again in January. I know many of my Republican colleagues agree with me. The Senate is not working. I said 2 years ago that I would push for the same reforms at the beginning of the next Congress—regardless of which party was in the majority. If Leader MCCONNELL was going to be the majority leader in January, I would ask him to work with me on implementing these reforms.

I will say again that the proposed changes will reform the abuse of the filibuster, not trample the legitimate rights of the minority party. I am willing to live with all of the changes we are proposing, whether I am in the majority or minority.

The other side has suggested that a change in the rules is an affront to the American public but the real affront would be to allow the abuse of the filibuster to continue.

It has also been suggested that ''the campaign is over.'' Well, this effort to change the rules has something to do with the results of the campaign. The American people sent us a message. We have to change the way we do business. We have to govern and pay attention to jobs and the economy and the things that matter to American families. That was their message, and we would do well to listen to it.

As to the comment that some of the reformers are ''sophomores,'' true enough. Senator MERKLEY and I are relatively new to this Chamber, but I don't think the American people think that is a bad thing because we came here to find solutions, to actually get things done for the American people. But what we found was a graveyard of good ideas. No real debate. No real consideration.

Under the abuse of the current rules, all it takes to filibuster is one Senator picking up the phone, period. Doesn't have to even go on the floor and defend it. Just a phone call by one Senator. No muss. No fuss. No inconvenience. Except for the American public. Except for a nation that expects and needs a government that works, a government that actually works together and finds common ground.

Maybe some of my colleagues believe that the Senate is working as it should that everything is fine. Well, Mr. President, we sophomores do not take that view. It isn't working. It needs to change, and I know plenty of experienced Senators agree.

The American people, of all political persuasions, are clamoring for a government that actually gets something done. The challenges are too great, the stakes are too high, for a government of gridlock to continue.

VOTE EXPLANATION

Mr. BLUMENTHAL. Mr. President, I was unable to cast a vote yesterday on the motion to proceed to executive session for the consideration of treaty 112–7, the Convention on the Rights of Persons with Disabilities. I spent most of the day in Connecticut, touring the State with FEMA's Acting Administrator to assess damage from Hurricane Sandy and Federal aid for the State. I also joined Attorney General Holder, Governor Malloy, and others in New Haven to roll out a new statewide initiative to combat violence in our urban communities. Had I been present, I would have voted for the motion to proceed.

TRIBUTE TO RAYMOND J. AHEARN

Mr. BAUCUS. Mr. President, on behalf of Senator HATCH and myself, we wish to recognize the outstanding career of Mr. Raymond J. Ahearn, Specialist in International Trade and Finance with the Foreign Affairs, Defense and Trade Division of the Congressional Research Service (CRS). Ray will retire on December 28, after more than 37 years of distinguished government service.

Mr. Ahearn began working as a trade and finance analyst at CRS in April 1975, soon after receiving his MA in international affairs from the Johns Hopkins School of Advanced International Studies, SAIS. He later received his MA in economics from the George Washington University and also represented CRS at the National War College in Washington, DC, graduating in 1991.

Upon joining CRS, Mr. Ahearn quickly established himself as a leading expert in U.S. trade policy. He wrote numerous reports and confidential memoranda and conducted hundreds of briefings for Members and congressional staff on a broad range of international economic issues. These issues addressed core topics on U.S. trade policy, such as U.S. trade laws to open markets for U.S. exporters, trade reorganization, the debate over free trade versus trade protectionism, and the future of U.S. trade policy. He also focused his authoritative and objective analysis on international financial issues, including the 2008 global financial crisis and the Eurozone sovereign debt crisis.

Mr. Ahearn is well known for his expertise and deep institutional knowledge of the global trading system, particularly with respect to the World Trade Organization and related multilateral ''rounds'' of trade negotiations over the past 4 decades. More recently, he led important innovative research on rising economic powers and their trade policy implications for the United States. As a policy issue of growing congressional interest, his insightful analysis will continue to support Congress in understanding the transformative changes underway in the global economy.

Mr. HATCH. Mr. President, I rise to join with Senator BAUCUS in commending Mr. Ahearn for his service. Over the years, Mr. Ahearn's impressive portfolio of work also examined major U.S. trading partner policies. Early on in his career, for example, he was a lead CRS expert on the U.S.-Japan trade and economic relationship during heightened trade tensions between our two countries. From September 1993 to August 1994, he worked for the Office of the U.S. Trade Representative, USTR, to serve as Director of Trade Strategy for Japan and China. More recently, Ray became the ''go to'' CRS analyst on the U.S.-EU trade and economic relationship, writing reports and confidential memoranda and consulting Congress on numerous topics, including on the EU's preferential trade agreements and regulatory issues.

Mr. Ahearn has been especially adept at examining complex issues in international economics of immediate importance to Congress and making his analysis accessible to an audience that approaches the issues with varying degrees of understanding. This skill has played an especially critical role in successfully conveying to Congress the complex, multidimensional challenges associated with globalization. For example, in 2009, Mr. Ahearn wrote a CRS report titled The Global Economic Downturn and Protectionism that addressed the issue of the perceived and real growth of trade restrictions by the United States and its trading partners in response to the global economic crisis that emerged in 2008. In analyzing the issue, he constructed an analytical framework of three potential categories of restrictions that might be taken and the potential consequences of each. Mr. Ahearn applied a similar analysis in his timely CRS report Globalization, Worker Insecurity and Policy Approaches, which examined the complex relationship between the increased integration of the U.S. economy with the rest of the world and the decline in U.S. wages and worker security, an issue faced by all Members of Congress as they consider trade agreements and other global economic issues.

We wish Mr. Ahearn the very best in his retirement and thank him for his exemplary record of service to Congress in directly supporting our work on international trade and finance policy issues.

ADDITIONAL STATEMENTS

REMEMBERING BOBBY PRICE

• Mrs. BOXER. Mr. President, today I ask my colleagues to join me in honoring LT Bobby Price, who died this month in Chula Vista, CA. For many years, I had the pleasure and honor of working with this great champion of America's veterans.

In fact, just 2 months ago, despite his grave illness, Bobby traveled to Washington, DC as the representative of the Veterans of Foreign Wars to meet with me regarding veterans' healthcare, homelessness, and job opportunities for our returning troops. As always, I was impressed by Bobby's knowledge and understanding of issues affecting our veterans and by his passionate commitment to work on their behalf.

During more than 24 years on active duty in the U.S. Navy, Bobby was known for his diligence and determination to carry out any task. Later, he brought this same zeal and perseverance to his work as an advocate for veterans.

No matter how hard Bobby worked, he always made time for his family. As his wife, Julia, wrote, ''Day after day he showed me, our children and grandchildren how much he cared for us by giving his time, compassion and generous spirit.''

Bobby Price received many awards recognizing his remarkable dedication to veterans including the San Diego County Veteran of the Year award. He served as commander of all California Veterans of Foreign Wars posts and was active in other veterans organizations at the local, State, and national level. At the time of his death, he was president of the nonprofit Chula Vista Veterans Home Support Foundation and had served on the charity's board for 6 years.

On behalf of the people of California, who have benefitted so much from Bobby's life and work, I send my deepest gratitude and condolences to his wife, Julia; his sons, Paul Hoch, Russ Price, Marcus Bush, and Adam Price; his daughter, Adriana Bush; and his five grandchildren. Bobby Price will be truly missed by all who were touched by his energy, passion for service, and devotion to his fellow veterans.•

OHIO UNIVERSITY POST CENTENNIAL

• Mr. BROWN of Ohio. Mr. President, I rise to commemorate the centennial of the Post, an independent, student-run newspaper at Ohio University in Athens, OH.

Finley Peter Dunne once noted that ''the newspaper . . . comforts the afflicted, and afflicts the comfortable.'' Newspapers also connect concerned citizens with their elected officials by providing a venue for valuable discussion on issues that affect our lives and communities. It is no secret that a free press is critical to strengthening and preserving our democracy.

For 100 years, students at Ohio University have celebrated their first amendment rights by creating a newspaper that informs residents, students, and business leaders in Athens County about vital news on campus, around Ohio, and throughout the world.

When students are encouraged to present structured, well-written views in writing, they are given the opportunity to develop life-long skills that will serve them as citizens—and leaders—of our enduring American institutions.

Ohio University has produced many first-class journalists, including thirteen Pulitzer Prize winners and reporters and columnists whose bylines and photographs appear in our Nation's leading newspapers. I regularly witness the fine reporting of several Post alumni, including Columbus Dispatch senior editor Joe Hallett and Washington correspondent Jessica Wehrman, among others.

As the tools and resources of journalism evolve, the Post continues to respond to a changing world. Whether students read the news on a handheld device or hold newsprint in their hands, Ohio University students can expect to hear from an independent voice on campus and in Athens.

Throughout the next century, the Post will undoubtedly continue to play a critical role in training student-journalists to shape and inform Ohio University. As we mark this milestone, it is my privilege to salute the students who work to keep this publication alive while fully participating in our first amendment freedoms. As the proud husband of a Pulitzer Prize-winning columnist, Connie Schultz, I have immense respect for journalists and the role they play in the public sphere. Improving our democracy starts with papers like the Post, that are willing to cultivate America's next generation of journalists.•

COMPLETION OF THE SERIES CULTURE AND CIVILIZATION OF CHINA

• Mr. LIEBERMAN. Mr. President, I wish to commemorate the completion of the series, ''Culture and Civilization of China,'' published jointly by Yale University and China International Publishing Group. Having been published since the early 1990s, the award winning series will be concluded this year with its final volume, ''Chinese Silks.'' The series has brought together leaders from both the United States and China. Former President George H. W. Bush and Secretary of State Henry Kissinger have each head consulting committees.

I congratulate everyone who worked to make this series happen, in particular the Director of Yale University Press John Donatich, the President of China International Publishing Group Zhou Mingwei, and U.N. Under Secretary General Joseph V. Reed.

I ask that Under Secretary General Reed's remarks at a September 19, 2012, event to celebrate the completion of this series be printed in the RECORD.

The remarks follow.

REMARKS BY AMBASSADOR JOSEPH VERNER REED AT THE CELEBRATORY LUNCHEON FOR THE CONCLUSION OF THE CHINESE CULTURE & CIVILIZATION PUBLISHING PROJECT WITH YALE UNIVERSITY PRESS AND THE CHINESE INTERNATIONAL PUBLISHING GROUP, SEPTEMBER 19, 2012

We have come a long, long way with the great publishing project known as CCC . . . started in 1988 and completed with our final volume (our ninth) on ''Silks'' this autumn.

In President Levin's words—''CCC is the ''Crown Jewel'' of Yale University''.

I have been very proud to have been associated with the Press and CIPG on this historic publishing adventure.

Our Honorary Chair President George H.W. Bush has declared:

''I have been privileged to serve as Honorary Chair for the Culture & Civilization of China project. The CCC project has had a profound impact on international relations between China and the United States in a way that no other undertaking has accomplished. The achievement of collaboration in the development of this superb series of beautiful volumes examining the cultural and artistic heritage of China will serve as a model of cooperation for the future generations committed to building an enduring bond between our two great countries''.

The Chair of the Advisory Council Dr. Henry A. Kissinger has called CCC—a ''seminal work''.

China has recognized the effort with bestowing the highest Award—''The Special Book Awards of China'' to President Levin and yours truly in the Great Hall of the People, by Madame Liu Yangdon, a member of China's Politburo and State Councilor.

CCC has published nine volumes—several having been awarded distinguished honors the volume on painting {Three Thousand Years of Chinese Painting} (1997) won The Hawkins Prize, the highest award in the publishing industry. This volume was the State Gift of the People's Republic to the United States during President Jiang Zeming's State Visit in 1997. President Jiang Zeming gave a copy of this work and the volume on Chinese Architecture to President Bush for the Bush Presidential Library in 2002.

President Hu Jintao visited Yale University in 2006 and donated a large number of Chinese books to the University including the Culture & Civilization series. President Hu also introduced the newly published Chinese Sculture to Yale faculty, staff and students.

The publishing effort was arduous and not without many differences and difficulties. It is a miracle that we published the volumes in such a cooperative manner. How can one forget the drama with our very first volume on ''Painting''? The map of China caused great review/discussion—back and forth for weeks—the borders, the provinces, the islands. There were other ''to and froes'' but, in the end we have had ''a splendid and cooperative result''.

There are so many to salute and thank for their efforts starting with President Levin, Vice President Linda Lorimer, former Yale University Press Director John G. Ryden (the godfather of CCC), current YUP Director John Donatich and, of course, all our colleagues at CIPG led by Vice Minister Cai Mingzhao, President Zhou and the distinguished and brilliant Editor Huang Youyi.

To the donors to CCC a special vote of appreciation and admiration for their generosity.

CCC involved 435 specialists including 56 authors, 39 translators and 340 consultants. 348 Museums and research institutes from around the globe provided images, line-drawings, photographs and maps.

I thank Julianne Griffin and Taiping Chang Knecknes and Mary Pasti and Cynthia Forbes for their signal contributions. A special salute to Charles Hill who first introduced me to the Press for work on the CCC project and to James Watt of the Metropolitan Museum for superb counsel.

All in all, CCC was a splendid effort. It has truly contributed to the mutual understanding of the People's Republic and the United States as well as having provided a platform for education for citizens from around the world.

CCC is an historic publishing project. It is a gift for future generations.

Once again, a salute and vote of thanks to one and all.•

RECOGNIZING THE HUDSON RIVER SCHOOL

• Mr. MENENDEZ. Mr. President, for half a century after its formation in the 1820s, the Hudson River School was the dominant movement in American art. Its 10 celebrated painters were inspired by the scenery of the Catskills Mountains and the Hudson Valley, with its panoramic vistas and natural landscapes. These artists helped create a conservation and environmental movement whose legacy lives on today. The Hudson River School paintings helped inspire the development of the National Park Service.•

RECOGNIZING HYDRO-PHOTON, INC.

• Ms. SNOWE. Mr. President, 70 percent of the earth is covered by water. Of that, 98 percent can be found in our oceans, which makes it unusable for drinking due to the salt content. Only about 2 percent of the world's water is fresh and, once polar ice caps and glaciers are subtracted, it is a very small percentage that is available for human consumption. Here in the United States we are blessed with, and rely on, an abundance of available clean drinking water. However, even here, mechanical failures, natural disasters, and remoteness of location, can diminish the availability of this vital resource.

I rise today to recognize Hydro-Photon, located in Blue Hill, ME, a company that has identified this problem and works diligently to supply innovative, accessible solutions. By harnessing and shrinking the ultraviolet—UV—technology used by many municipal water treatment plants, Hydro-Photon founder Miles Maiden created the SteriPEN which offers the same safe, efficient water purification used by the treatment plants in a portable, personal device.

The SteriPEN, originally patented in 1999, was the first portable UV water purifier on the market. The product kills viruses, bacteria, and protozoa by emitting UV light that is absorbed by the microbes, preventing their reproduction. With this compact purifier, users are able to have safe drinking water anywhere.

A company conscious of the need to preserve and protect our natural beauty and resources seems right at home in my home State where we are blessed with serene mountains and foothills, dense untouched wilderness, and a shoreline both beautiful and bountiful. Hydro-Photon is dedicated to the preservation and enjoyment of our natural splendors and with the clean water supplied by their SteriPEN, they are making it easier and safer for all to enjoy the great outdoors not only in Maine but around the world.

Not only useful to the active outdoorsmen, the SteriPEN finds use in a vast array of situations and locations. One example is the recent hurricane Sandy that had devastating affects along the northeastern coast. Hydro-Photon recognized the necessity of clean water in such dire situations and selflessly stepped up to help, donating SteriPENs to those affected by the storm in New York and New Jersey.

For their inventiveness, dedication, and compassion for supplying an element so basic to human life, Hydro-Photon is truly a remarkable company. I am proud to extend my congratulations on their success and offer my best wishes for the future.•

TRIBUTE TO KELSEY LUCKHURST

• Mr. THUNE. Mr. President, today I wish to recognize Kelsey Luckhurst, an intern in my Aberdeen, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Kelsey is a native of Garden City, SD and a graduate of Clark High School. Currently, she is attending Northern State University, where she is pursuing degrees in history and political science. She is a very hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kelsey for

all of the fine work she has done and wish her continued success in the years to come.●

MESSAGE FROM THE HOUSE

At 2:48 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 bills, in which it requests the concurrence of the Senate:

H.R. 5913. An act to create an independent advisory panel to comprehensively assess the management structure and capabilities related to the Department of Homeland Security and make recommendations to improve the efficiency and effectiveness of the management of the Department.

H.R. 5997. An act to amend the Homeland Security Act of 2002 to codify authority under existing grant guidance authorizing use of Urban Area Security Initiative and State Homeland Security Grant Program funding for enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities.

H.R. 6025. An act to provide for annual reports on the status of operational control of the international land and maritime borders of the United States and unlawful entries, and for other purposes.

H.R. 6328. An act to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.

The message also announced that the House agree to the amendment of the Senate to the bill (H.R. 915) to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 2453. An act to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

H.R. 6063. An act to amend title 18, United States Code, with respect to child pornography and child exploitation offenses.

H.R. 6118. An act to amend section 353 of the Public Health Service Act with respect to suspension, revocation, and limitation of laboratory certification.

H.R. 6131. An act to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006, and for other purposes.

H.R. 6570. An act to amend the American Recovery and Reinvestment Act of 2009 and the Emergency Economic Stabilization Act of 2008 to consolidate certain CBO L reporting requirements.

The enrolled bills were 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. 5913. An act to create an independent advisory panel to comprehensively assess the management structure and capabilities related to the Department of Homeland Security and make recommendations to improve the efficiency and effectiveness of the management of the Department; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5997. An act to amend the Homeland Security Act of 2002 to codify authority under existing grant guidance authorizing use of Urban Area Security Initiative and State Homeland Security Grant Program funding for enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6025. An act to provide for annual reports on the status of operational control of the international land and maritime borders of the United States and unlawful entries, and for other purposes; 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–8179. A communication from the Chief Information Officer, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Update of Existing Privacy Act—NASA Regulations'' (RIN2700–AD86) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8180. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Updates to Contract Reporting and Central Contractor Registration'' (RIN9000–AL99) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8181. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Interagency Acquisitions: Compliance by Nondefense Agencies with Defense Procurement Requirements'' (RIN9000–AM36) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8182. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–62; Small Entity Compliance Guide'' (FAC2005–62) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8183. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–62; Small Entity Compliance Guide'' (FAC2005–62) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8184. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–62; Small Entity Compliance Guide'' (FAC2005–62) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8185. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees Health Benefits Program Coverage for Certain Intermittent Employees'' (RIN3206–AM74) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8186. A communication from the Senior Counsel for Regulatory Affairs, Office of Assistant Secretary for Management, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Federal Benefit Payments Under Certain District of Columbia Retirement Plans'' (RIN1505–AC02) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8187. A communication from the Director of Management, U.S. Commission on Civil Rights, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8188. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's Annual Performance Report for Fiscal Year 2012 and the Summary of Performance and Financial Information for Fiscal Year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8189. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Semiannual Report of the Inspector General and the Semiannual Management Report on the Status of Audits for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8190. A communication from the Secretary of Labor, transmitting, pursuant to law, the Pension Benefit Guaranty Corporation's Office of Inspector General and the Director's Semiannual Report to Congress on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the periods from April 1, 2011 through September 30, 2011 and October 1, 2012 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8191. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–8192. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, a report entitled ''Federal Election Commission Fiscal Year 2012 Performance and Accountability Report''; to the Committee on

Homeland Security and Governmental Affairs.

EC–8193. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards: Adoption of 2012 North American Industry Classification System for Size Standards'' (RIN3245–AG47) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Small Business and Entrepreneurship.

EC–8194. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards: Health Care and Social Assistance'' (RIN3245–AG30) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Small Business and Entrepreneurship.

EC–8195. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards: Real Estate and Rental and Leasing'' (RIN3245–AG28) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Small Business and Entrepreneurship.

EC–8196. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards: Educational Services'' (RIN3245–AG29) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Small Business and Entrepreneurship.

EC–8197. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Servicemembers' Group Life Insurance—Stillborn Child Coverage'' (RIN2900–AO30) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Veterans' Affairs.

EC–8198. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''VA Acquisition Regulation: Electronic Submission of Payment Request'' (RIN2900–AN97) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Veterans' Affairs.

EC–8199. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Rules Governing Hearings Before the Agency of Original Jurisdiction and the Board of Veterans' Appeals; Repeal of Prior Rule Change'' (RIN2900–AO43) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Veterans' Affairs.

EC–8200. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Minor Editorial Corrections and Clarifications (RRR)'' (RIN2137–AE90) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8201. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Rescission of 10-Day Agency Discretionary Period in Assigning Unsatisfactory Safety Ratings'' (RIN2126–AB55) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8202. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1065)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8203. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2011–1408)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8204. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell International Inc. Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–0945)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8205. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2012–0848)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8206. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0327)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8207. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE SYSTEMS (Operations) Limited Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0489)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8208. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0222)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8209. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell International Inc. Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–1045)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8210. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Costruzioni Aeronautiche Tecnam srl Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0816)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8211. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1250)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8212. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0645)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8213. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0142)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8214. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Division Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2012–0228)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8215. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Division Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2012–0079)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8216. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled ''Airworthiness Directives; Rolls-Royce plc Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0821)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8217. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Use of Portable Oxygen Concentrators on Board Aircraft'' ((RIN2120–AK18) (Docket No. FAA–2012–0928)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8218. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace; Lakehurst, NJ; Correction'' ((RIN2120–AA66) (Docket No. FAA–2012–0456)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8219. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Boise, ID'' ((RIN2120–AA66) (Docket No. FAA–2011–1181)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8220. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Kerrville, TX'' ((RIN2120–AA66) (Docket No. FAA–2011–1399)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8221. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Fort Garland, CO'' ((RIN2120–AA66) (Docket No. FAA–2012–0617)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8222. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Circle Town, MT'' ((RIN2120–AA66) (Docket No. FAA–2012–0539)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8223. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Area Navigation (RNAV) Route Q–62; Northeast United States'' ((RIN2120–AA66) (Docket No. FAA–2011–1407)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8224. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (18); Amdt. No. 3500'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8225. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (123); Amdt. No. 3499'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8226. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (18); Amdt. No. 3498'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8227. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 3497'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8228. A communication from the Deputy Chief Financial Officer and Director for Financial Management, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalties; Adjustment for Inflation'' (RIN0605–AA31) received in the Office of the President of the Senate on November 26, 2011; to the Committee on Commerce, Science, and Transportation.

EC–8229. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the Commission's eighth annual report on ethanol market concentration; to the Committee on Commerce, Science, and Transportation.

EC–8230. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Safety Standard for Infant Swings'' (RIN3041–AC90) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8231. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; West Coast Salmon Fisheries; Announcing OMB Approval of Information Collection'' (RIN0648–BC29) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8232. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; 2006 Consolidated Highly Migratory Species Fishery Management Plan; Amendment 4'' (RIN0648–AW83) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8233. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Interim Action; Rule Extension'' (RIN0648–BB89) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8234. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Snapper-Grouper Fishery Off the Southern Atlantic States; Snapper-Grouper Management Measures'' (RIN0648–BC03) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8235. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Western Pacific Pelagic Fisheries; Revised Limits on Sea Turtle Interactions in the Hawaii Shallow-set Longline Fishery'' (RIN0648–BB84) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8236. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Monitoring and Enforcement Requirements in the Bering Sea and Aleutian Islands Freezer Longline Fleet'' (RIN0648–BB67) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8237. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Herring Savings Areas of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC277) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8238. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fraser River Sockeye Salmon Fisheries; Inseason Orders'' (RIN0648–XC222) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8239. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska'' (RIN0648–XC295) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8240. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; 'Other Rockfish' in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC312) received in the Office of the President of the Senate on November 26,

2012; to the Committee on Commerce, Science, and Transportation.

EC–8241. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska'' (RIN0648–XC301) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8242. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off the West Coast States; Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Fishery; Pacific Whiting and Non-Whiting Allocations; Pacific Whiting Seasons'' (RIN0648–XC302) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8243. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions No. 22 through No. 26'' (RIN0648–XC282) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8244. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the awarding of funding made available by the American Recovery and Reinvestment Act of 2009; to the Committee on Commerce, Science, and Transportation.

EC–8245. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (6); Amdt. No. 3493'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on October 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8246. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (99); Amdt. No. 3492'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8247. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Sweetwater, TX'' ((RIN2120–AA66) (Docket No. FAA–2011–0829)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8248. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Battle Creek, MI'' ((RIN2120–AA66) (Docket No. FAA–2011–1110)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8249. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Lemmon, SD'' ((RIN2120–AA66) (Docket No. FAA–2012–0391)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8250. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Tullahoma, TN'' ((RIN2120–AA66) (Docket No. FAA–2011–1367)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8251. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Montgomery, AL'' ((RIN2120–AA66) (Docket No. FAA–2012–0411)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8252. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Colorado Springs, CO'' ((RIN2120–AA66) (Docket No. FAA–2011–1191)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8253. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones; 2012 RNC Bridge Security Zones, Captain of the Port St. Petersburg Zone, Tampa, FL'' ((RIN1625–AA87) (Docket No. USCG–2012–0707)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8254. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones; Certain Dangerous Cargo Vessels, Tampa, FL'' ((RIN1625–AA87) (Docket No. USCG–2012–0712)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8255. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation and Safety Zone; America's Cup World Series Regattas, San Francisco Bay; San Francisco, CA'' ((RIN1625–AA00; RIN1625–AA–08) (Docket No. USCG–2012–0551)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8256. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation, Atlantic Intracoastal Waterway (AIWW); Wrightsville Beach, NC; Cape Fear and Northeast Cape Fear River; Wilmington, NC'' ((RIN1625–AA09) (Docket No. USCG–2012–0193)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8257. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Upper Mississippi River, Mile 389.4 to 403.1'' ((RIN1625–AA00) (Docket No. USCG–2011–1087)) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8258. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Port Huron Float-Down, St. Clair River, Port Huron, MI'' ((RIN1625–AA00) (Docket No. USCG–2012–0771)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8259. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Liberty Freedom Swims, Liberty Island, Upper Bay and Hudson River, NY'' ((RIN1625–AA00) (Docket No. USCG–2012–0717)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8260. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; America's Cup World Series Regattas, San Francisco Bay, San Francisco, CA'' ((RIN1625–AA00) (Docket No. USCG–2012–0736)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8261. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Head of the Cuyahoga, U.S. Rowing Masters Head Race National Championship, and Dragon Boat Festival, Cuyahoga River, Cleveland, OH'' ((RIN1625–AA00) (Docket No. USCG–2012–0569)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8262. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; TriRock San Diego, San Diego Bay, San Diego, CA'' ((RIN1625–AA00) (Docket No. USCG–2012–0800)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8263. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; ESI Ironman 70.3 Augusta Triathlon, Savannah River; Augusta, GA'' ((RIN1625–AA00) (Docket No. USCG–2012–0574)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8264. A communication from the Attorney-Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Miami Paddle Challenge, Biscayne Bay, Miami, FL'' ((RIN1625–AA00) (Docket No. USCG–2012–0722)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8265. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Blue Angels at Kaneohe Bay Air Show, Oahu, Hawaii'' ((RIN1625–AA00) (Docket No. USCG–2012–0739)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8266. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Water Main Crossing; Choctawhatchee Bay; Santa Rosa Beach, FL'' ((RIN1625–AA00) (Docket No. USCG–2012–0518)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8267. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Chicago Red Bull Flugtag, Lake Michigan, Chicago, IL'' ((RIN1625–AA00) (Docket No. USCG–2012–0817)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8268. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone for Fireworks Display, Potomac River, National Harbor Access Channel; Oxen Hill, MD'' ((RIN1625–AA00) (Docket No. USCG–2012–0818)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8269. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Gulf Intracoastal Waterway, Mile Marker 35.2 to Mile Marker 35.5 west of Harvey Locks, bank to bank, Lafourche Parish, Larose, LA'' ((RIN1625–AA00) (Docket No. USCG–2012–0634) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8270. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; 2012 Ironman US Championship Swim, Hudson River, Fort Lee, NJ'' ((RIN1625–AA00) (Docket No. USCG–2012–0223)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8271. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Dredge Arthur J, Lake Huron, Lakeport, MI'' ((RIN1625–AA00) (Docket No. USCG–2012–0709)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8272. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Milwaukee Air And Water Show, Lake Michigan, Milwaukee, WI'' ((RIN1625–AA00) (Docket No. USCG–2012–0688)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8273. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Mississippi River, Mile Marker 291 to 295'' ((RIN1625–AA00) (Docket No. USCG–2012–0662)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8274. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Elizabeth River, Eastern Branch, Norfolk, VA'' ((RIN1625–AA09) (Docket No. USCG–2012–0357)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8275. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Grosse Tete Bayou, Iberville Parish, LA'' ((RIN1625–AA09) (Docket No. USCG–2012–0115)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8276. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Black Warrior River, AL'' ((RIN1625–AA09) (Docket No. USCG–2012–0764)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8277. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Alabama River, AL'' ((RIN1625–AA09) (Docket No. USCG–2012–0181)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8278. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Carlin Bayou, LA'' ((RIN1625–AA09) (Docket No. USCG–2012–0180)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8279. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Tombigbee River, AL'' ((RIN1625–AA09) (Docket No. USCG–2012–0179)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8280. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Anchorage; Change to Cottonwood Island Anchorage, Columbia River, Oregon and Washington'' ((RIN1625–AA01) (Docket No. USCG–2011–0248)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8281. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules; Amdt. No. 502'' (RIN2120–AA63) received during adjournment of the Senate in the Office of the President of the Senate on October 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8282. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Multiple Firework Displays in Captain of the Port, Puget Sound Zone'' ((RIN1625–AA00) (Docket No. USCG–2012–0488)) received in the Office of the President of the Senate on September 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8283. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Cocoa Beach Air Show, Atlantic Ocean, Cocoa Beach, FL'' ((RIN1625–AA00) (Docket No. USCG–2012–0633)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8284. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Bay Bridge Load Transfer Safety Zone, San Francisco Bay, San Francisco, CA'' ((RIN1625–AA00) (Docket No. USCG–2012–0706)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8285. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Jet Express Triathlon, Sandusky Bay, Lake Erie, Lakeside, OH'' ((RIN1625–AA00) (Docket No. USCG–2012–0072)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8286. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Antique Boat Show, Niagara River, Grand Island, NY'' ((RIN1625–AA00) (Docket No. USCG–2012–0043)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8287. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled

''Safety Zone; Chicago Air and Water Show, Lake Michigan, Chicago, IL'' ((RIN1625–AA00) (Docket No. USCG–2012–0773)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8288. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Superior Bay, Duluth, MN'' ((RIN1625–AA00) (Docket No. USCG–2012–0729)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–8289. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone for Fireworks Display, Pamlico and Tar Rivers; Washington, NC'' ((RIN1625–AA00) (Docket No. USCG–2012–0494)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

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. TOOMEY:

S. 3643. A bill to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes; to the Committee on the Judiciary.

By Mr. COATS:

S. 3644. A bill to provide for indemnification of transferees of property at any closed military installation; to the Committee on Armed Services.

By Mr. BROWN of Ohio (for himself, Mr. TOOMEY, Mr. FRANKEN, Mr. PORTMAN, and Mr. CASEY):

S. 3645. A bill to direct the United States Fish and Wildlife Service, in coordination with the Army Corps of Engineers, the National Park Service, and the United States Geological Survey, to lead a multiagency effort to slow the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CASEY (for himself, Mrs. HUTCHISON, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. MURKOWSKI, Ms. SNOWE, and Mr. LAUTENBERG):

S. 3646. A bill to require the Department of Defense to develop a strategy to promote the security of Afghan women and girls during the security transition process; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 833

At the request of Mr. WHITEHOUSE, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 833, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in secondary school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

S. 1718

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1981

At the request of Mr. HELLER, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1981, a bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills.

S. 3394

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3394, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection, and for other purposes.

S. 3461

At the request of Mr. BROWN of Ohio, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3461, a bill to amend title IV of the Public Health Service Act to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions.

S. 3560

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3560, a bill to provide for scientific frameworks with respect to recalcitrant cancers.

S. 3638

At the request of Ms. LANDRIEU, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3638, a bill to establish an Office of Entrepreneurial Support within the Small Business Administration, and for other purposes.

S. 3640

At the request of Mr. TOOMEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3640, a bill to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security, Transportation Security Administration, to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.

S. RES. 600

At the request of Mrs. SHAHEEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. Res. 600, a resolution supporting the goals and ideals of American Diabetes Month.

S. RES. 602

At the request of Mr. AKAKA, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 602, a resolution designating 2012–2013 as the ''Year of the Korean War Veteran'' and recognizing the 60th anniversary of the Korean War.

AMENDMENT NO. 2927

At the request of Mr. KYL, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of amendment No. 2927 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2928

At the request of Mrs. MCCASKILL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2928 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2929

At the request of Mrs. MCCASKILL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2929 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2930

At the request of Mrs. MCCASKILL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2930 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2940

At the request of Mr. BLUMENTHAL, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Montana (Mr. TESTER), the Senator from Maine (Ms. COLLINS), the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 2940 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2944

At the request of Mr. LIEBERMAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 2944 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2951

At the request of Mr. BEGICH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 2951 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2952

At the request of Mr. BEGICH, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of amendment No. 2952 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2957

At the request of Mr. WEBB, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Delaware (Mr. CARPER), the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. SANDERS), the Senator from New Mexico (Mr. UDALL), the Senator from Rhode Island (Mr. REED) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2957 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2958

At the request of Mr. WEBB, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Delaware (Mr. CARPER), the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. SANDERS), the Senator from New Mexico (Mr. UDALL), the Senator from Rhode Island (Mr. REED) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2958 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2960

At the request of Mr. WYDEN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2960 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2981

At the request of Mrs. BOXER, the names of the Senator from Maine (Ms. SNOWE), the Senator from Texas (Mr. CORNYN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2981 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2982

At the request of Mrs. BOXER, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 2982 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2985

At the request of Mr. UDALL of Colorado, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from New Mexico (Mr. UDALL), the Senator from North Carolina (Mrs. HAGAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Alaska (Mr. BEGICH), the Senator from Minnesota (Mr. FRANKEN), the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. COONS), the Senator from Ohio (Mr. BROWN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Michigan (Ms. STABENOW), the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mr. SCHUMER), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Colorado (Mr. BENNET), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 2985 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2991

At the request of Mr. HOEVEN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of amendment No. 2991 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2992

At the request of Mr. HOEVEN, the names of the Senator from Montana (Mr. TESTER), the Senator from North Dakota (Mr. CONRAD) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of amendment No. 2992 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2995

At the request of Mr. PORTMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 2995 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2997

At the request of Mr. CASEY, the names of the Senator from Montana (Mr. TESTER), the Senator from Vermont (Mr. LEAHY), the Senator from Oregon (Mr. WYDEN) and the Senator from Maryland (Ms. MIKULSKI)

were added as cosponsors of amendment No. 2997 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 2998

At the request of Ms. AYOTTE, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 2998 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 3009

At the request of Mr. SESSIONS, the names of the Senator from Virginia (Mr. WEBB) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 3009 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 3016

At the request of Mrs. GILLIBRAND, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 3016 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 3017

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 3017 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

AMENDMENT NO. 3018

At the request of Mrs. FEINSTEIN, the names of the Senator from Montana (Mr. TESTER), the Senator from South Dakota (Mr. JOHNSON), the Senator from Vermont (Mr. SANDERS), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Nevada (Mr. HELLER) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of amendment No. 3018 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 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.

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of amendment No. 3018 intended to be proposed to S. 3254, supra.

At the request of Mr. WEBB, his name was added as a cosponsor of amendment No. 3018 intended to be proposed to S. 3254, supra.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3019. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table.

SA 3020. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3021. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3022. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3023. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3024. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3025. Mr. CARDIN (for himself, Mr. AKAKA, Ms. MIKULSKI, Mr. BEGICH, Mr. DURBIN, Mr. BROWN of Ohio, Mrs. MCCASKILL, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3026. Mr. TESTER (for himself, Mr. BLUMENTHAL, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3027. Mr. TESTER (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3028. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3029. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3030. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3031. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3032. Mr. ROBERTS (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3033. Mr. KYL (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3034. Mr. BROWN of Massachusetts (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3035. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3036. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3037. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3038. Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3039. Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3040. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3041. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3042. Ms. COLLINS (for herself, Mrs. SHAHEEN, Mr. PORTMAN, Mr. UDALL of Colorado, Ms. SNOWE, and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3043. Ms. COLLINS (for herself, Mrs. SHAHEEN, Mr. PORTMAN, Mr. UDALL of Colorado, Ms. SNOWE, and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3044. Ms. COLLINS (for herself, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Ms. SNOWE, Mr. BROWN of Ohio, and Mr. REED) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3045. Ms. COLLINS (for herself, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Ms. SNOWE, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3046. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3047. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3048. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3049. Mr. UDALL of New Mexico (for himself, Mr. CORKER, Mr. SCHUMER, Ms. SNOWE, Mr. BINGAMAN, Mrs. MCCASKILL, Mr. WYDEN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3050. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3051. Mr. MCCAIN (for himself, Mr. PORTMAN, Mr. WEBB, Mr. INHOFE, Ms. AYOTTE, Mr. BROWN of Massachusetts, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3052. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3053. Mr. MCCAIN (for himself, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mr. JOHANNS, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3054. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3055. Mr. MANCHIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3056. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3057. Mr. CASEY (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3058. Mrs. GILLIBRAND (for herself, Mr. LIEBERMAN, Mr. BLUMENTHAL, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BEGICH, Mr. MENENDEZ, Mr. SANDERS, Mr. AKAKA, Ms. MIKULSKI, Mr. LEAHY, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3059. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3060. Mr. TOOMEY (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3061. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3062. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3063. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3064. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3065. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3066. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3067. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3068. Mr. CORNYN (for himself, Mr. MENENDEZ, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3069. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3070. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3071. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3072. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3073. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3074. Mr. NELSON of Florida (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3075. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3076. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3077. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3078. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3079. Mr. GRASSLEY (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3080. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3081. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3082. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3083. Mr. BARRASSO (for himself, Mr. HOEVEN, Mr. ENZI, Mr. TESTER, Mr. HATCH, Mr. CONRAD, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3084. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3085. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3086. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3087. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3088. Mr. CASEY (for himself, Mrs. HUTCHISON, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. MURKOWSKI, Ms. SNOWE, Mr. LAUTENBERG, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3089. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3090. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3091. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3092. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3093. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3094. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3095. Mrs. HAGAN (for herself, Mr. JOHNSON of South Dakota, Mrs. MURRAY, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3096. Mr. MERKLEY (for himself, Mr. PAUL, and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3097. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3098. Mrs. SHAHEEN (for herself and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3099. Mrs. MURRAY (for herself, Ms. MIKULSKI, Mr. DURBIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by her to the bill S. 3254, supra.

SA 3100. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3101. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3102. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3103. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3104. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3105. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3106. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3107. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3108. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3109. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3110. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3111. Mr. COBURN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3112. Mr. BROWN of Ohio (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3113. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3114. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3115. Mr. UDALL of Colorado (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3116. Mr. UDALL of Colorado (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3117. Mr. HATCH (for himself, Mr. CHAMBLISS, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3118. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3119. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3120. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3121. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3122. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3123. Mr. KYL (for himself, Mr. LIEBERMAN, Mr. INHOFE, Mr. RISCH, Mr. LUGAR, Mr. DEMINT, Mr. CORNYN, Mr. RUBIO, Mr. WICKER, Ms. AYOTTE, Ms. COLLINS, Mr. SESSIONS, Mr. VITTER, and Mr. CORKER) proposed an amendment to the bill S. 3254, supra.

SA 3124. Mr. BLUMENTHAL (for himself, Mr. PORTMAN, Mr. LIEBERMAN, Ms. COLLINS, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. LAUTENBERG, Mrs. HUTCHISON, Mr. RUBIO, Mr. BEGICH, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3125. Mr. BLUMENTHAL (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3126. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3127. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3128. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3129. Mr. LAUTENBERG (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3130. Mr. LAUTENBERG (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3131. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3132. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3133. Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. COBURN, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3134. Mr. DEMINT (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3135. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3136. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3137. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3138. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3139. Mr. BARRASSO (for himself, Mr. LEE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3140. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3141. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3142. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3143. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3144. Mr. WEBB (for himself, Mr. BROWN of Massachusetts, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3145. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3146. Mr. WARNER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3147. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3148. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3149. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3150. Mr. UDALL of New Mexico (for himself, Mr. SCHUMER, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3151. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3152. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3153. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3154. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3155. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3156. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3157. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3158. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3159. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3160. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3161. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3162. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3163. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3164. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3165. Mr. REED (for himself and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3166. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3167. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3168. Mr. NELSON of Nebraska (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3169. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3170. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3171. Mr. HATCH (for himself, Mr. ROBERTS, Mr. CHAMBLISS, Mr. BARRASSO, Mr. INHOFE, Mr. WICKER, Mr. LEE, Mr. COBURN, Mr. RISCH, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3172. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3173. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3174. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3175. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3176. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3177. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3178. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3179. Mr. BENNET (for himself, Mr. WARNER, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3180. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3181. Mr. WHITEHOUSE (for himself, Mr. MENENDEZ, Mr. MERKLEY, Mr. LAUTENBERG, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3182. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3183. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3184. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3185. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3186. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3187. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3019. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

Section 1207(a)(5) of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note) is amended by inserting after ''Guam,'' the following: ''the Commonwealth of the Northern Mariana Islands,''.

SA 3020. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

Strike section 941 and insert the following:

SEC. 941. NATIONAL LANGUAGE SERVICE CORPS.

(a) AUTHORITY TO ESTABLISH.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

''SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.

''(a) ESTABLISHMENT.—(1) The Secretary of Defense may establish and maintain within the Department of Defense a National Language Service Corps (in this section referred to as the 'Corps').

''(2) The purpose of the Corps is to provide a pool of personnel with foreign language skills who, as provided in regulations prescribed under this section, agree to provide foreign language services to the Department of Defense or another department or agency of the United States.

''(b) NATIONAL SECURITY EDUCATION BOARD.—If the Corps is established, the Secretary shall provide for the National Security Education Board to oversee and coordinate the activities of the Corps to such extent and in such manner as determined by the Secretary under paragraph (9) of section 803(d).

''(c) MEMBERSHIP.—To be eligible for membership in the Corps, a person must be a citizen of the United States authorized by law to be employed in the United States, have attained the age of 18 years, and possess such foreign language skills as the Secretary considers appropriate for membership in the Corps.

''(d) TRAINING.—The Secretary may provide members of the Corps such training as the Secretary prescribes for purposes of this section.

''(e) SERVICE.—Upon a determination that it is in the national interests of the United States, the Secretary shall call upon members of the Corps to provide foreign language services to the Department of Defense or another department or agency of the United States.

''(f) FUNDING.—The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps. Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps. Amounts so credited to such account shall be merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended.''.

(b) NATIONAL SECURITY EDUCATION BOARD MATTERS.—

(1) COMPOSITION.—Subsection (b) of section 803 of such Act (50 U.S.C. 1903) is amended—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(C) by inserting after paragraph (4) the following new paragraphs:

''(5) The Secretary of Homeland Security.

''(6) The Secretary of Energy.

''(7) The Director of National Intelligence.''.

(2) FUNCTIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraphs:

''(9) To the extent provided by the Secretary of Defense, oversee and coordinate the activities of the National Language Service Corps under section 813, including proposing regulations to carry out that section.

''(10) Assess on a periodic basis the needs identified by the departments and agencies of the Federal Government for personnel with skills in various foreign languages.

''(11) Recommend plans to address foreign language shortfalls and requirements of the departments and agencies of the Federal Government.

''(12) Recommend effective ways to increase public awareness of the need for foreign languages skills and career paths in the Federal Government that use those skills.

''(13) Advise on the coordination of activities with Executive agencies and State and local governments to develop interagency plans and agreements to address overall foreign language shortfalls and to utilize personnel to address the various types of crises that warrant foreign language skills.''.

SA 3021. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. GRANTS FOR TRAINING OF VETERANS WHO OWN SMALL BUSINESSES ON APPLYING FOR FEDERAL CONTRACTS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may award a grant to a nonprofit organization to assist such organization in providing training to a veteran who is an owner of a small business concern on how to apply for and win a contract with the Federal Government.

(b) MAXIMUM AMOUNTS.—

(1) IN GENERAL.—The total amount of grants awarded under subsection (a) may not exceed $1,000,000.

(2) INDIVIDUAL GRANT AMOUNTS.—A grant awarded under subsection (a) may not exceed $200,000.

(c) MATCHING FUNDS.—The Secretary may award a grant under subsection (a) to a nonprofit organization to conduct training only if the organization agrees to make contributions toward the cost of conducting such training, from non-Federal sources, in an amount equal to not less than the amount of the grant.

(d) SMALL BUSINESS CONCERN DEFINED.—In this section, the term ''small business concern'' has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632).

SA 3022. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

On page 405, line 4, strike ''Section'' and insert the following:

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate is deeply concerned with the dramatic rise in conflict-induced displacement in Afghanistan and the corresponding increase in humanitarian need, especially as winter approaches;

(2) there have been several reports of children freezing to death in various refugee settlements in Afghanistan during the winter of 2011-12;

(3) the Bureau of Population, Refugees, and Migration of the Department of State and the Special Representative for Afghanistan and Pakistan should jointly develop a comprehensive strategy to address the displacement and human suffering referred to in paragraphs (1) and (2), which shall include—

(A) an assessment of the capacity of the Government of Afghanistan—

(i) to prevent, mitigate, and respond to forced displacement; and

(ii) to provide durable solutions for internally displaced Afghans and Afghan refugees; and

(B) a coherent plan to strengthen the capacity of the Government of Afghanistan to address the causes and consequences of displacement within Afghanistan.

(b) EXTENSION OF AUTHORITY.—Section

SA 3023. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

On page 139, line 3, add at the end the following: ''Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the committees of Congress referred to in the preceding sentence a report on hazing in the Coast Guard when it is not operating as a service in the Navy, and, for purposes of such report, the Armed Forces shall include the Coast Guard when it is not operating as a service in the Navy.''.

SA 3024. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

On page 124, between lines 6 and 7, insert the following:

(f) APPLICABILITY TO COAST GUARD.—The Secretary of Homeland Security shall apply the provisions of this section (other than subsection (d)) to the Coast Guard when it is not operating as a service in the Navy in order to achieve diversity in the Coast Guard in the same manner, under the same schedule, and subject to the same conditions as diversity is achieved in the other Armed Forces under this section. The Secretary shall submit to the congressional defense committees the reports required by subsection (e) with respect to the implementation of the provisions of this section regarding the Coast Guard when it is not operating as a service in the Navy.

SA 3025. Mr. CARDIN (for himself, Mr. AKAKA, Ms. MIKULSKI, Mr. BEGICH, Mr. DURBIN, Mr. BROWN of Ohio, Mrs. MCCASKILL, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

Strike section 341 and insert the following:

SEC. 341. CIVILIAN AND CONTRACT SERVICES WORKFORCE BALANCE.

(a) IN GENERAL.—The Secretary of Defense shall, consistent with the requirements of sections 129 and 129a of title 10, United States Code, ensure that the civilian and contract services workforces of the Department of Defense are sufficiently sized, taking into account military strategy requirements and military end-strength.

(b) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to the congressional defense committees a report assessing the sufficiency of sizing of the civilian and contract services workforces of the Department of Defense. The report shall assess whether the sizing is consistent with workforce management and sourcing laws, including sections 129 and 129a of title 10, United States Code.

SA 3026. Mr. TESTER (for himself, Mr. BLUMENTHAL, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. STANDARD OF PROOF FOR SERVICE-CONNECTION OF POST-TRAUMATIC STRESS DISORDER AND MENTAL HEALTH CONDITIONS RELATED TO MILITARY SEXUAL TRAUMA.

(a) STANDARD OF PROOF.—Section 1154 of title 38, United States Code, is amended by adding at the end the following new subsections:

''(c)(1) The Secretary shall accept as sufficient proof of service-connection of post-traumatic stress disorder alleged to have been incurred in or aggravated by service in the active military, naval, or air service a diagnosis of post-traumatic stress disorder by a mental health professional together with written testimony by the veteran of such incurrence or aggravation and a written determination by the professional that such disorder is related to the veteran's service, if consistent with the circumstances, conditions, or hardships of such service, notwithstanding the fact that there is no official record of such incurrence or aggravation in such service, and, to that end, shall resolve every reasonable doubt in favor of the veteran.

''(2) Service-connection of post-traumatic stress disorder may be rebutted by clear and convincing evidence to the contrary. In the case of such a rebuttal, the Secretary shall make all documents related to the service-connection of the veteran's disability available to the veteran.

''(d)(1) The Secretary shall accept as sufficient proof of service-connection of covered mental health conditions alleged to have been incurred or aggravated by military sexual trauma experienced during service in the active military, naval, or air service a diagnosis of such mental health condition by a mental health professional together with written testimony by the veteran of such trauma alleged to have been incurred during the veteran's service and a written determination by the professional that such mental health condition is related to such trauma, if consistent with the circumstances, conditions, or hardships of such service, notwithstanding the fact that there is no official record of the incurrence of such trauma in such service, and, to that end, shall resolve every reasonable doubt in favor of the veteran.

''(2) Service-connection of covered mental health conditions under this subsection may be rebutted by clear and convincing evidence to the contrary. In the case of such a rebuttal, the Secretary shall make all documents related to the service-connection of the veteran's disability available to the veteran.

''(3) In this subsection:

''(A) The term 'covered mental health conditions' means post-traumatic stress disorder, anxiety, depression, or other mental health conditions that the Secretary determines to be related to military sexual trauma.

''(B) The term 'military sexual trauma' means, with respect to a veteran, psychological trauma, which in the judgment of a mental health professional, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the veteran was serving on active duty or active duty for training.''.

(b) EFFECTIVE DATE.—Subsections (c) and (d) of section 1154 of title 38, United States Code, as added by subsection (a), shall apply with respect to any claim for disability compensation under laws administered by the Secretary of Veterans Affairs for which no final decision has been made before the date of the enactment of this Act.

SA 3027. Mr. TESTER (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 643. MODIFICATION OF PER-FISCAL YEAR CALCULATION OF DAYS OF CERTAIN ACTIVE DUTY OR ACTIVE SERVICE TO REDUCE ELIGIBILITY AGE FOR RETIREMENT FOR NON-REGULAR SERVICE.

(a) ACCUMULATION OF 90-DAY PERIODS OF SERVICE WITHIN ANY TWO CONSECUTIVE FISCAL YEARS.—Section 12731(f)(2)(A) of title 10, United States Code, is amended by striking ''in any fiscal year'' and inserting ''in any two consecutive fiscal years''.

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of January 28, 2008, and as if included in the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) as enacted.

SA 3028. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. TRANSPORTATION OF INDIVIDUALS TO AND FROM FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 111 the following new section:

''§ 111A. Transportation of individuals to and from Department facilities

''(a) TRANSPORTATION BY SECRETARY.—The Secretary may transport any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purpose of examination, treatment, or care.''.

(b) CONFORMING AMENDMENT.—Subsection (h) of section 111 of such title is—

(1) transferred to section 111A of such title, as added by subsection (a);

(2) redesignated as subsection (b);

(3) inserted after subsection (a) of such section; and

(4) amended by inserting ''TRANSPORTATION BY THIRD-PARTIES.—'' before ''The Secretary''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 111 the following new item:

''111A. Transportation of individuals to and from Department facilities.''.

SA 3029. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following:

SEC. 2844. COMMISSION ON REVIEW OF OVERSEAS MILITARY FACILITY STRUCTURE OF THE UNITED STATES.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established the Commission on the Review of the Overseas Military Facility Structure of the United States (in this section referred to as the ''Commission'').

(2) COMPOSITION.—

(A) IN GENERAL.—The Commission shall be composed of eight members of whom—

(i) two shall be appointed by the majority leader of the Senate;

(ii) two shall be appointed by the minority leader of the Senate;

(iii) two shall be appointed by the Speaker of the House of Representatives; and

(iv) two shall be appointed by the minority leader of the House of Representatives.

(B) QUALIFICATIONS.—Individuals appointed to the Commission shall have significant experience in the national security or foreign policy of the United States.

(C) DEADLINE FOR APPOINTMENT.—Appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(D) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among it members.

(3) TENURE; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) MEETINGS.—

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(B) CALLING OF THE CHAIRMAN.—The Commission shall meet at the call of the Chairman.

(C) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(b) DUTIES.—

(1) STUDY OF OVERSEAS MILITARY FACILITY STRUCTURE.—

(A) IN GENERAL.—The Commission shall conduct a thorough study of matters relating to the military facility structure of the United States overseas.

(B) SCOPE.—In conducting the study, the Commission shall—

(i) assess the number of forces required to be forward based outside the United States;

(ii) examine the current state of the military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including the condition of land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges;

(iii) identify the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas;

(iv) assess the feasibility and advisability of the closure or realignment of military facilities of the United States overseas, or of the establishment of new military facilities of the United States overseas;

(v) consider the findings of the February 2011 Government Accountability Office report, ''Additional Cost Information and Stakeholder Input Necessary to Assess Military Posture in Europe'', GAO–11–131; and

(vi) consider or assess any other issue relating to military facilities of the United States overseas that the Commission considers appropriate.

(2) REPORT.—

(A) IN GENERAL.—Not later than 60 days after holding its final public hearing, the Commission shall submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(B) PROPOSED OVERSEAS BASING STRATEGY.—In addition to the matters specified in subparagraph (A), the report shall also include a proposal by the Commission for an overseas basing strategy for the Department of Defense in order to meet the current and future mission of the Department, taking into account heightened fiscal constraints.

(C) FOCUS ON PARTICULAR ISSUES.—The report shall focus on current and future geopolitical posturing, operational requirements, mobility, quality of life, cost, and synchronization with the combatant commands.

(c) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION SHARING.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) ADMINISTRATIVE SUPPORT.—Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support necessary for the Commission to carry out its duties under this section.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission under this section. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL.—

(A) EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission under this section.

(B) MILITARY AIRCRAFT.—Members and staff of the Commission may receive transportation on military aircraft to and from the United States, and overseas, for purposes of the performance of the duties of the Commission to the extent that such transportation will not interfere with the requirements of military operations.

(3) STAFFING.—

(A) EXECUTIVE DIRECTOR.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director

and such other additional personnel as may be necessary to enable the Commission to perform its duties under this section. The employment of an executive director shall be subject to confirmation by the Commission.

(B) STAFF.—The Commission may employ a staff to assist the Commission in carrying out its duties. The total number of the staff of the Commission, including an executive director under subparagraph (A), may not exceed 12.

(C) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAILS.—Any employee of the Department of Defense, the Department of State, or the Government Accountability Office may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) SECURITY.—

(1) SECURITY CLEARANCES.—Members and staff of the Commission, and any experts and consultants to the Commission, shall possess security clearances appropriate for their duties with the Commission under this section.

(2) INFORMATION SECURITY.—The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the Commission under this section.

(f) TERMINATION.—The Commission shall terminate 45 days after the date on which the Commission submits its report under subsection (b).

SA 3030. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 704. SENSE OF CONGRESS ON PREMIUMS FOR HEALTH CARE FOR RETIRED CAREER MEMBERS OF THE UNIFORMED SERVICES.

It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of a 20-year to 30-year career in protecting freedom for all Americans; and

(2) those decades of sacrifice constitute a significant pre-paid premium for health care during retirement that is over and above what such members pay in money as a premium for such health care.

SA 3031. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2824. DEPARTMENT OF DEFENSE GOAL REGARDING USE OF NON-COMBUSTION, DISTRIBUTED GENERATION TECHNOLOGIES TO MEET ELECTRICITY NEEDS.

Section 2911 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) GOAL REGARDING USE OF NON-COMBUSTION, DISTRIBUTED GENERATION TECHNOLOGIES TO MEET ELECTRICITY NEEDS.—Electric energy produced by non-combustion, distributed generation technologies shall have the same standing as electric energy from renewable sources for the purpose of achieving the Department of Defense goal to meet electricity needs established under subsection (e).''.

SA 3032. Mr. ROBERTS (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 344. INTERGOVERNMENTAL SUPPORT AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS.

(a) AGREEMENTS AUTHORIZED.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''SEC. 2336. INTERGOVERNMENTAL SUPPORT AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS.

''(a) IN GENERAL.—(1) The Secretary concerned may enter into an intergovernmental support agreement with a State or local government to provide, receive, or share installation-support services when such an agreement serves the interests of the department by enhancing mission effectiveness or creating efficiencies or economies of scale, including by reducing costs.

''(2) Notwithstanding any other law, such an agreement—

''(A) may be entered into on a sole source basis;

''(B) may be for a term not to exceed five years;

''(C) may utilize, for installation-support services provided by a State or local government, wage grades normally paid by that State or local government; and

''(D) may only be utilized when the Secretary concerned or the State or local government, as the case may be, providing the installation-support services already provides such services for its own use.

''(b) EFFECT ON FIRST RESPONDER ARRANGEMENTS.—The authority provided by this section and limitations on its use do not revoke, preclude, or otherwise interfere with existing or proposed mutual aid agreements relating to police or fire protection services or other similar first responder agreements or arrangements.

''(c) AVAILABILITY OF FUNDS.—Funds available to the Secretary concerned for operation and maintenance may be used to pay for such installation-support services. The costs of agreements under this section for any year may be paid from annual appropriations for that year. Funds received by the Secretary as reimbursement for providing installation-support services pursuant to such an agreement shall be credited to the appropriation or account charged with providing installation support.

''(d) DEFINITIONS.—In this section:

''(1) The term 'installation-support services' means those services, supplies, resources, and support typically provided by a State or local government for its own needs and without regard to whether such services, supplies, resources, and support are provided to its residents generally, except that the term does not include security-guard or firefighting functions.

''(2) The term 'local government' includes a county, parish, municipality, city, town, township, local public authority, school district, special district, and any agency or instrumentality of a local government.

''(3) The term 'State' means the several states, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands, and any agency or instrumentality of a State.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting at the end the following new item:

''Sec. 2336. Intergovernmental support agreements with State and local governments.''.

SA 3033. Mr. KYL (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

SEC. 3136. REPORT ON FEASIBILITY, COST, AND ADVISABILITY OF REUSING PITS IN NUCLEAR WARHEADS.

(a) FINDINGS.—Congress makes the following findings:

(1) A key concept of the proposed interim plutonium pit strategy of the National Nuclear Security Administration is to reuse existing pits to supplement the 20 to 30 pits per year that the Administration asserts may be manufactured at Los Alamos National Laboratory, given extensive modifications to current facilities.

(2) Dr. Charles McMillan, director of the Los Alamos National Laboratory, testified before Congress on April 18, 2012, that ''the extensive work required to convert these concepts into systems that could be certified is yet to be done''. Dr. McMillan elaborated that ''we must do the scientific work to further understand the effects of aging and to provide modern safety, safety that starts [with insensitive] high explosive systems. If we choose this path, it will require an investment over the next 5 to 10 years.''.

(3) Pit lifetime is another critical aspect of the proposed interim plutonium strategy. The National Nuclear Security Administration has confidence that pits will last up to

100 years. Yet, Dr. Siegfried Hecker, former director of Los Alamos National Laboratory and a leading plutonium metallurgist, was quoted on July 17, 2012, as saying, ''We have never done enough of those [plutonium lifetime] experiments that would make me feel more comfortable with plutonium lifetimes in pits. So as far as I'm concerned, we still haven't demonstrated that these pits can last 50, 60, 80 or 100 years as some people claim.''.

(4) Regarding the performance of older pits, a 2007 report by the private scientific advisory group known as JASON suggested that ''there must be a more detailed understanding of the different types of dynamic strengths involved in the weapons codes, and then a more complete understanding of how these strengths vary with aging through relevant experimental and theoretical work. This is fundamentally difficult . . . New experiments should be carried out on both naturally and artificially aged [plutonium].''.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy and the Secretary of Defense shall jointly submit to the congressional defense committees a report on the feasibility, cost, and advisability of reusing pits in nuclear warheads that includes the following:

(1) An assessment of the technical work and experimentation that needs to be done to determine whether or not pit reuse is likely to be a successful strategy that leads to the certification of the safety, security, and reliability of nuclear warheads using those pits and the schedule and cost for that work and experimentation.

(2) A description of the criteria that must be met to determine whether nuclear warheads that reuse pits can be certified as safe, secure, and reliable and an estimate of the time at which the National Nuclear Security Administration anticipates having sufficient data to make such a determination.

(3) A description of the experiments that have been performed to determine whether nuclear warheads that reuse pits can be certified as safe, secure, and reliable and an assessment of the results of those experiments.

(4) An assessment of how pursuing pit reuse increases the cost and complexity of life extension programs and program planning by the National Nuclear Security Administration and the effect of pursuing pit reuse on the safety, security, and reliability of nuclear warheads.

(5) An assessment of the extent to which pursuing pit reuse, as opposed to manufacturing new pits, limits the incorporation of enhanced safety and security features into life extension programs and limits improvements to the performance margin in such programs.

(6) A description of the technical process for and cost of—

(A) requalifying an existing pit for reuse with a weapon for which it was designed; and

(B) requalifying an existing pit for reuse with a weapon for which it was not designed.

(7) An assessment of the extent which the Nuclear Weapons Council has reviewed the processes described in paragraph (6) and the results of any such reviews.

(8) An explanation for the difference between the assessment of the National Nuclear Security Administration with respect to the lifetime of pits and the assessment of Dr. Siegfried Hecker described in subsection (a)(3).

(9) An assessment of the work that has been done by the national security laboratories of the Department of Energy or by other entities with respect to pit aging since 2007 and the results of that work.

(10) An assessment of the anticipated level of confidence of the Secretary of Energy and the Secretary of Defense with respect to experiments to artificially age plutonium and any concerns that there may be differences between natural and artificial aging of plutonium.

(11) An assessment of experiments that have been performed to understand the performance of older pits across the full stockpile-to-target sequence of nuclear warheads, including in highly dynamic environments, and the results of those experiments.

(12) A statement of the military requirement for pit production to have a responsive infrastructure capable of rapidly responding to technical or geopolitical strategic surprises.

SA 3034. Mr. BROWN of Massachusetts (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

Strike section 1710 and insert the following:

SEC. 1710. RETENTION OF CORE FUNCTIONS OF THE ELECTRONIC SYSTEMS CENTER AT HANSCOM AIR FORCE BASE, MASSACHUSETTS.

The Secretary of the Air Force shall retain the core functions of the Electronic Systems Center at Hanscom Air Force Base, Massachusetts, with the same integrated mission elements, responsibilities, and capabilities as existed as of November 1, 2011, until such time as such integrated mission elements, responsibilities, and capabilities are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

SA 3035. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1032. REPORT ON TRANSFER TO THE GOVERNMENT OF AFGHANISTAN OF ENEMY COMBATANTS DETAINED BY THE UNITED STATES IN AFGHANISTAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) The policy of the United States on the disposition of Afghanistan enemy combatants captured on the battlefield who are or will be detained in detention facilities in Afghanistan under the control of the United States.

(2) The policy of the United States on the disposition of non-Afghanistan enemy combatants captured on the battlefield who are or will be detained in detention facilities in Afghanistan under the control of the United States.

(3) The policy of the United States on the disposition of high-risk enemy combatants captured on the battlefield who are or will be detained in detention facilities in Afghanistan under the control of the United States.

(4) A plan for the transfer of high-risk enemy combatants described in paragraph (3) from detention facilities in Afghanistan under the control of the United States after December 31, 2014.

(5) An assessment of the extent to which the Government of Afghanistan will provide continuing and enduring support to the criminal justice system of Afghanistan for purposes of maintaining the rule of law in Afghanistan after December 31, 2014.

(b) DEFINITIONS.—In this section:

(1) The term ''detention facilities in Afghanistan under the control of the United States'' means facilities in Afghanistan established to hold persons consistent with the law of war and international humanitarian law, including Additional Protocol II of 1977 to the Geneva Convention of 1949.

(2) The term ''enemy combatant'' means an individual who—

(A) after September 11, 2001, has purposefully engaged in or materially supported hostilities against the United States or its coalition partners; or

(B) is a member of, part of, or operated in a clandestine, covert, or military capacity on behalf of the Taliban, al Qaeda, or associated forces.

(3) The term ''high-risk'', with respect to an enemy combatant, means that the transfer of the enemy combatant to the Government of Afghanistan would create unacceptable national security risks to the United States and its coalition partners.

SA 3036. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. REPORTS ON THE POTENTIAL SECURITY THREAT POSED BY BOKO HARAM.

(a) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an intelligence assessment of the Nigerian organization known as Boko Haram. Such assessment shall address the following:

(1) The organizational structure, operational goals, and funding sources of Boko Haram.

(2) The extent to which Boko Haram threatens the stability of Nigeria and surrounding countries.

(3) The extent to which Boko Haram threatens the security of citizens of the United States or the national security or interests of the United States.

(4) Any interaction between Boko Haram and al-Qaeda in the Islamic Maghreb or other al-Qaeda affiliates with respect to operational planning and execution, training, and funding.

(5) The capacity of Nigerian security forces to counter the threat posed by Boko Haram and an assessment of the effectiveness of the strategy of the Nigerian government to date.

(6) Any intelligence gaps with respect to the leadership, operational goals, and capabilities of Boko Haram.

(b) SECRETARY OF STATE REPORT.—Not later than 90 days after the date the report required by subsection (a) is submitted to Congress, the Secretary of State shall submit to Congress a report describing the strategy of the United States to counter the threat posed by Boko Haram.

SA 3037. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

Strike section 601 and insert the following:

SEC. 601. RATES OF BASIC ALLOWANCE FOR HOUSING FOR ARMY NATIONAL GUARD AND AIR NATIONAL GUARD MEMBERS ON FULL-TIME NATIONAL GUARD DUTY.

Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(6)(A) The rate of basic allowance for housing to be paid to a member of the Army National Guard of the United States, or to a member of the Air National of the United States, shall not be changed upon the transition of the member from full-time National Guard duty to active duty unless the transition—

''(i) occurs with a break in active service; or

''(ii) results in a permanent change of station and shipment of household goods.

''(B) For purposes of subparagraph (A)(i), a break in active service occurs when one or more calendar days between active service periods do not qualify as active service.''.

SA 3038. Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 723. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES, THEIR DEPENDENTS, AND VETERANS.

(a) PROGRAM FOR MEMBERS OF THE ARMED FORCES AND DEPENDENTS.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a ''prescription drug take-back program'') under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to military medical treatment facilities to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) PROGRAM FOR VETERANS.—The Secretary of Veterans Affairs and the Attorney General shall jointly carry out a program under which veterans may deliver controlled substances to be disposed of in accordance with section 302(g) of the Controlled Substances Act.

(c) PROGRAM ELEMENTS.—The programs required by this section shall provide for the following:

(1) In the case of the program required by subsection (a), the delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary of Defense and the Attorney General jointly specify for purposes of the program.

(2) In the case of the program required by subsection (b), the delivery of controlled substances under the program to such employees of the Veterans Health Administration of the Department of Veterans Affairs, and to such other acceptance mechanisms, as the Secretary of Veterans Affairs and the Attorney General jointly specify for purposes of the program.

(3) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under such programs.

SA 3039. Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 723. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES, THEIR DEPENDENTS, AND VETERANS.

(a) PROGRAM FOR MEMBERS OF THE ARMED FORCES AND DEPENDENTS.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a ''prescription drug take-back program'') under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to military medical treatment facilities to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) PROGRAM FOR VETERANS.—The Secretary of Veterans Affairs and the Attorney General shall jointly carry out a program under which veterans may deliver controlled substances to be disposed of in accordance with section 302(g) of the Controlled Substances Act.

(c) PROGRAM ELEMENTS.—The programs required by this section shall provide for the following:

(1) In the case of the program required by subsection (a), the delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary of Defense and the Attorney General jointly specify for purposes of the program.

(2) In the case of the program required by subsection (b), the delivery of controlled substances under the program to such employees of the Veterans Health Administration of the Department of Veterans Affairs, and to such other acceptance mechanisms, as the Secretary of Veterans Affairs and the Attorney General jointly specify for purposes of the program.

(3) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under such programs.

SA 3040. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

SEC. 735. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) PROGRAM REQUIRED.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a ''prescription drug take-back program'') under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to military medical treatment facilities to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) PROGRAM ELEMENTS.—The program required by subsection (a) shall provide for the following:

(1) The delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary and the Attorney General jointly specify for purposes of the program.

(2) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under the program.

SA 3041. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

SEC. 735. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) PROGRAM REQUIRED.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a ''prescription drug take-back program'') under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to military medical treatment facilities to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) PROGRAM ELEMENTS.—The program required by subsection (a) shall provide for the following:

(1) The delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary and the Attorney General jointly specify for purposes of the program.

(2) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under the program.

SA 3042. Ms. COLLINS (for herself, Mrs. SHAHEEN, Mr. PORTMAN, Mr. UDALL of Colorado, Ms. SNOWE, and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1536. REPORT ON INSIDER ATTACKS IN AFGHANISTAN AND THEIR EFFECT ON THE UNITED STATES TRANSITION STRATEGY FOR AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States security strategy in Afghanistan, as established by the President and reaffirmed at the North Atlantic Treaty Organization Conference in Chicago in May 2012 and the North Atlantic Treaty Organization Defense Ministerial in Brussels in October 2012, prioritizes a process of ''irreversible transition'' of security responsibility from the International Security Assistance Force (ISAF) to the Afghanistan National Security Forces (ANSF) by the end of 2014, and the training of ''sufficient and capable'' Afghanistan National Security Forces by the Afghanistan Government through the assistance of international donors.

(2) As a key part of the strategy in Afghanistan, North Atlantic Treaty Organization/International Security Assistance Force (NATO/ISAF) forces have conducted partnered combat and training operations with the Afghanistan National Security Forces. In the course of these operations, as of November 13, 2012, there have been at least 60 deaths and 80 non-fatal casualties from insider attacks conducted by members of the Afghanistan National Security Forces or insurgent infiltrators in Afghanistan in 2012. These attacks account for 16 percent of coalition casualties in Afghanistan in 2012, an almost three-fold increase in the percentage of casualties caused by such attacks in 2011 and more than 16 times greater than the percentage of casualties caused by such attacks in 2008 and earlier.

(3) In September 2012, in a media interview, General John Allen, Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, stated that ''we're willing to sacrifice a lot for this campaign, but we're not willing to be murdered for it'', in response to a question on insider attacks in Afghanistan.

(4) In September 2012, General Martin Dempsey, Chairman of the Joint Chiefs of Staff, stated that insider attacks in Afghanistan were a ''very serious threat to the campaign'' and stated that ''something has to change'' to rectify the situation.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, submit to Congress a report on the attacks and associated threats by Afghanistan National Security Forces personnel, Afghanistan National Security Forces impersonators, and private security contractors against United States, Afghanistan, and coalition military and civilian personnel (''insider attacks'') in Afghanistan, and the effect of these attacks on the overall transition strategy in Afghanistan.

(c) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) A description of the nature and proximate causes of the attacks described in subsection (b), including the following:

(A) An estimate of the number of such attacks on United States, Afghanistan, and coalition military personnel since January 1, 2007.

(B) An estimate of the number of United States, Afghanistan, and coalition personnel killed or wounded in such attacks.

(C) The circumstances or conditions that may have influenced such attacks.

(D) An assessment of the threat posed by infiltration, and a best assessment of the extent of infiltration by insurgents into the Afghanistan National Security Forces.

(E) A description of trends in the prevalence of such attacks, including where such attacks occur, the political and ethnic affiliation of attackers, and the targets of attackers.

(2) A description of the restrictions and other actions taken by the United States and North Atlantic Treaty Organization/International Security Assistance Force forces to protect military and civilian personnel from future insider attacks, including measures in predeployment training.

(3) A description of the actions taken by the Government of Afghanistan to prevent and respond to insider attacks, including improved vetting practices.

(4) A description of the insider threat-related factors that will influence the size and scope of the post-2014 training mission for the Afghanistan National Security Forces.

(5) An assessment of the impact of the insider attacks in Afghanistan in 2012 on the overall transition strategy in Afghanistan and its prospects for success, including an assessment how such insider attacks impact—

(A) partner operations between North Atlantic Treaty Organization/International Security Assistance Force forces and Afghanistan National Security Forces;

(B) training programs for the Afghanistan National Security Forces, including proposed training plans to be executed during the post-2014 training mission for the Afghanistan National Security Forces;

(C) United States Special Forces training of the Afghan Local Police and its integration into the Afghanistan National Security Forces; and

(D) the willingness of North Atlantic Treaty Organization/International Security Assistance Force allies to maintain forces in Afghanistan or commit to the post-2014 training mission for the Afghanistan National Security Forces.

(6) An assessment of the impact that a reduction in training and partnering would have on the independent capabilities of the Afghanistan National Security Forces, and whether the training of the Afghanistan National Security Forces should remain a key component of the United States and North Atlantic Treaty Organization strategy in Afghanistan.

(d) UNCLASSIFIED EXECUTIVE SUMMARY.—The report submitted under subsection (c) shall include an executive summary of the contents of the report in unclassified form.

SA 3043. Ms. COLLINS (for herself, Mrs. SHAHEEN, Mr. PORTMAN, Mr. UDALL of Colorado, Ms. SNOWE, and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1536. REPORT ON INSIDER ATTACKS IN AFGHANISTAN AND THEIR EFFECT ON THE UNITED STATES TRANSITION STRATEGY FOR AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States security strategy in Afghanistan, as established by the President and reaffirmed at the North Atlantic Treaty Organization Conference in Chicago in May 2012 and the North Atlantic Treaty Organization Defense Ministerial in Brussels in October 2012, prioritizes a process of ''irreversible transition'' of security responsibility from the International Security Assistance Force (ISAF) to the Afghanistan National Security Forces (ANSF) by the end of 2014, and the training of ''sufficient and capable'' Afghanistan National Security Forces by the Afghanistan Government through the assistance of international donors.

(2) As a key part of the strategy in Afghanistan, North Atlantic Treaty Organization/International Security Assistance Force (NATO/ISAF) forces have conducted partnered combat and training operations with the Afghanistan National Security Forces. In the course of these operations, as of November 13, 2012, there have been at least 60 deaths and 80 non-fatal casualties from insider attacks conducted by members of the Afghanistan National Security Forces or insurgent infiltrators in Afghanistan in 2012. These attacks account for 16 percent of coalition casualties in Afghanistan in 2012, an almost three-fold increase in the percentage of casualties caused by such attacks in 2011 and more than 16 times greater than the percentage of casualties caused by such attacks in 2008 and earlier.

(3) In September 2012, in a media interview, General John Allen, Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, stated that ''we're willing to sacrifice a lot for this campaign, but we're not willing to be murdered for it'', in response to a question on insider attacks in Afghanistan.

(4) In September 2012, General Martin Dempsey, Chairman of the Joint Chiefs of Staff, stated that insider attacks in Afghanistan were a ''very serious threat to the campaign'' and stated that ''something has to change'' to rectify the situation.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, submit to Congress a report on the attacks and associated threats by Afghanistan National Security Forces personnel, Afghanistan National Security Forces impersonators, and private security contractors against United States, Afghanistan, and coalition military and civilian personnel (''insider attacks'') in Afghanistan, and the effect of these attacks on the overall transition strategy in Afghanistan.

(c) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) A description of the nature and proximate causes of the attacks described in subsection (b), including the following:

(A) An estimate of the number of such attacks on United States, Afghanistan, and coalition military personnel since January 1, 2007.

(B) An estimate of the number of United States, Afghanistan, and coalition personnel killed or wounded in such attacks.

(C) The circumstances or conditions that may have influenced such attacks.

(D) An assessment of the threat posed by infiltration, and a best assessment of the extent of infiltration by insurgents into the Afghanistan National Security Forces.

(E) A description of trends in the prevalence of such attacks, including where such attacks occur, the political and ethnic affiliation of attackers, and the targets of attackers.

(2) A description of the restrictions and other actions taken by the United States and North Atlantic Treaty Organization/International Security Assistance Force forces to protect military and civilian personnel from future insider attacks, including measures in predeployment training.

(3) A description of the actions taken by the Government of Afghanistan to prevent and respond to insider attacks, including improved vetting practices.

(4) A description of the insider threat-related factors that will influence the size and scope of the post-2014 training mission for the Afghanistan National Security Forces.

(5) An assessment of the impact of the insider attacks in Afghanistan in 2012 on the overall transition strategy in Afghanistan and its prospects for success, including an assessment how such insider attacks impact—

(A) partner operations between North Atlantic Treaty Organization/International Security Assistance Force forces and Afghanistan National Security Forces;

(B) training programs for the Afghanistan National Security Forces, including proposed training plans to be executed during the post-2014 training mission for the Afghanistan National Security Forces;

(C) United States Special Forces training of the Afghan Local Police and its integration into the Afghanistan National Security Forces; and

(D) the willingness of North Atlantic Treaty Organization/International Security Assistance Force allies to maintain forces in Afghanistan or commit to the post-2014 training mission for the Afghanistan National Security Forces.

(6) An assessment of the impact that a reduction in training and partnering would have on the independent capabilities of the Afghanistan National Security Forces, and whether the training of the Afghanistan National Security Forces should remain a key component of the United States and North Atlantic Treaty Organization strategy in Afghanistan.

(d) UNCLASSIFIED EXECUTIVE SUMMARY.—The report submitted under subsection (c) shall include an executive summary of the contents of the report in unclassified form.

SA 3044. Ms. COLLINS (for herself, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Ms. SNOWE, Mr. BROWN of Ohio, and Mr. REED) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 847. PILOT PROGRAM ON PROCUREMENT OF DOMESTICALLY-PRODUCED ATHLETIC FOOTWEAR FOR MEMBERS OF THE ARMY UNDERGOING INITIAL ENTRY TRAINING.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to determine the feasibility and advisability of requiring that the athletic footwear used by Army recruits undergoing Initial Entry Training complies with the domestic source requirements in section 2533(a) of title 10, United States Code.

(b) ELEMENTS.—In carrying out the pilot program, the Secretary shall—

(1) ensure that Army recruits, upon beginning Initial Entry Training, are provided with athletic footwear that complies with the domestic source requirements referred to in subsection (a), except that recruits may be provided with athletic footwear that does not comply with such domestic source requirements if such footwear is medically required to meet unique physiological needs that cannot be met with athletic footwear that complies with such requirements;

(2) designate the Under Secretary of Defense for Acquisition, Technology, and Logistics as responsible for the sourcing and distribution of athletic footwear produced in compliance with such domestic source requirements for purposes of the pilot program;

(3) require that the Department of the Army direct the appropriate program office to develop specifications for athletic footwear to comply with such domestic source requirements;

(4) structure the pilot with the goal of incorporating products from multiple domestic suppliers of athletic footwear; and

(5) require that to the extent any of the specified components of the final footwear products cannot be sourced domestically, necessary accommodations be made in accordance with the provisions of section 2533a(c) of title 10, United States Code.

(c) DURATION.—The Secretary shall carry out the pilot program for not fewer than three years, and not more than five years, beginning on the date of the commencement of the pilot program.

(d) REPORTS.—Not later than one year after the commencement of the pilot, and every year thereafter while the pilot program is being carried out, the Secretary shall submit to Congress a report on the pilot program. Each report shall set forth the following:

(1) In the case of the first report, a description of the measures taken to implement the contracting and acquisition structures necessary to carry out the pilot program.

(2) A description and assessment of the domestic industrial base response to the requirement for production of athletic footwear for purposes of the pilot program.

(3) A comparative analysis of the costs associated with the distribution of athletic footwear under the pilot program with the costs associated with the distribution of athletic footwear for Army recruits before the commencement of the pilot program and with the costs associated with the distribution of athletic footwear by the Armed Forces not participating in the pilot program.

(4) A description and assessment of the reliability of the supply chain and inventory management for athletic footwear under the pilot program.

(5) An assessment of the feasibility and advisability of expanding the pilot program to each other Armed Force, and a description of any options for addressing potential impediments to the expansion of the pilot program if expansion is considered feasible and advisable.

SA 3045. Ms. COLLINS (for herself, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Ms. SNOWE, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 847. PILOT PROGRAM ON PROCUREMENT OF DOMESTICALLY-PRODUCED ATHLETIC FOOTWEAR FOR MEMBERS OF THE ARMY UNDERGOING INITIAL ENTRY TRAINING.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to determine the feasibility and advisability of requiring that the athletic footwear used by Army recruits undergoing Initial Entry Training complies with the domestic source requirements in section 2533(a) of title 10, United States Code.

(b) ELEMENTS.—In carrying out the pilot program, the Secretary shall—

(1) ensure that Army recruits, upon beginning Initial Entry Training, are provided with athletic footwear that complies with the domestic source requirements referred to in subsection (a), except that recruits may be provided with athletic footwear that does not comply with such domestic source requirements if such footwear is medically required to meet unique physiological needs that cannot be met with athletic footwear that complies with such requirements;

(2) designate the Under Secretary of Defense for Acquisition, Technology, and Logistics as responsible for the sourcing and distribution of athletic footwear produced in compliance with such domestic source requirements for purposes of the pilot program;

(3) require that the Department of the Army direct the appropriate program office to develop specifications for athletic footwear to comply with such domestic source requirements;

(4) structure the pilot with the goal of incorporating products from multiple domestic suppliers of athletic footwear; and

(5) require that to the extent any of the specified components of the final footwear products cannot be sourced domestically, necessary accommodations be made in accordance with the provisions of section 2533a(c) of title 10, United States Code.

(c) DURATION.—The Secretary shall carry out the pilot program for not fewer than three years, and not more than five years, beginning on the date of the commencement of the pilot program.

(d) REPORTS.—Not later than one year after the commencement of the pilot, and every year thereafter while the pilot program is being carried out, the Secretary shall submit to Congress a report on the pilot program. Each report shall set forth the following:

(1) In the case of the first report, a description of the measures taken to implement the contracting and acquisition structures necessary to carry out the pilot program.

(2) A description and assessment of the domestic industrial base response to the requirement for production of athletic footwear for purposes of the pilot program.

(3) A comparative analysis of the costs associated with the distribution of athletic footwear under the pilot program with the costs associated with the distribution of athletic footwear for Army recruits before the commencement of the pilot program and with the costs associated with the distribution of athletic footwear by the Armed Forces not participating in the pilot program.

(4) A description and assessment of the reliability of the supply chain and inventory management for athletic footwear under the pilot program.

(5) An assessment of the feasibility and advisability of expanding the pilot program to each other Armed Force, and a description of any options for addressing potential impediments to the expansion of the pilot program if expansion is considered feasible and advisable.

SA 3046. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE UNIFORMED SERVICES.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

"SEC. 208. CHILD CUSTODY PROTECTION.

''(a) RESTRICTION ON TEMPORARY CUSTODY ORDER.—If a court renders a temporary order for custodial responsibility for a child based solely on a deployment or anticipated deployment of a parent who is a servicemember, then the court shall require that, upon the return of the servicemember from deployment, the custody order that was in effect immediately preceding the temporary order shall be reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (b).

''(b) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion or a petition is filed seeking a permanent order to modify the custody of the child of a servicemember, no court may consider the absence of the servicemember by reason of deployment, or the possibility of deployment, as the sole factor in determining the best interest of the child.

''(c) NO FEDERAL JURISDICTION OR RIGHT OF ACTION OR REMOVAL.—Nothing in this section shall create a Federal right of action or otherwise give rise to Federal jurisdiction or create a right of removal.

''(d) PREEMPTION.—In any case where State law applicable to a child custody proceeding involving a temporary order as contemplated in this section provides a higher standard of protection to the rights of the parent who is a deploying servicemember than the rights provided under this section with respect to such temporary order, the appropriate court shall apply the higher State standard.

''(e) DEPLOYMENT DEFINED.—In this section, the term 'deployment' means the movement or mobilization of a servicemember to a location for a period of longer than 60 days and not longer than 540 days pursuant to temporary or permanent official orders—

''(1) that are designated as unaccompanied;

''(2) for which dependent travel is not authorized; or

''(3) that otherwise do not permit the movement of family members to that location.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

''208. Child custody protection.''.

SA 3047. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 643. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking ''shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds'' both places it appears and inserting ''may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2013, and shall apply to payments for months beginning on or after that date.

SA 3048. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 643. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.—

(1) REPEAL OF 50 PERCENT REQUIREMENT.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(2) COMPUTATION.—Paragraph (1) of subsection (c) of such section is amended by adding at the end the following new subparagraph:

''(G) For a month for which the retiree receives veterans' disability compensation for a disability rated as 40 percent or less or has a service-connected disability rated as zero percent, $0.''.

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 1414 of such title is amended to read as follows:

"§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation".

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

''1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2013, and shall apply to payments for months beginning on or after that date.

SEC. 644. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.—

(1) QUALIFIED RETIREES.—Subsection (a) of section 1414 of title 10, United States Code, as amended by section 643(a) of this Act, is further amended—

(A) by striking ''a member or'' and all that follows through ''retiree')'' and inserting ''a qualified retiree''; and

(B) by adding at the end the following new paragraph:

''(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

''(A) is entitled to retired pay (other by reason of section 12731b of this title); and

''(B) is also entitled for that month to veterans' disability compensation.''.

(2) DISABILITY RETIREES.—Paragraph (2) of subsection (b) of section 1414 of such title is amended to read as follows:

''(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

''(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

''(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2013, and shall apply to payments for months beginning on or after that date.

SEC. 645. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking ''shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds'' both places it appears and inserting ''may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2013, and shall apply to payments for months beginning on or after that date.

SA 3049. Mr. UDALL of New Mexico (for himself, Mr. CORKER, Mr. SCHUMER,

Ms. SNOWE, Mr. BINGAMAN, Mrs. MCCASKILL, Mr. WYDEN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. ESTABLISHMENT OF OPEN BURN PIT REGISTRY.

(a) ESTABLISHMENT OF REGISTRY.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) establish and maintain an open burn pit registry for eligible individuals who may have been exposed to toxic airborne chemicals and fumes caused by open burn pits;

(2) include any information in such registry that the Secretary of Veterans Affairs determines necessary to ascertain and monitor the health effects of the exposure of members of the Armed Forces to toxic airborne chemicals and fumes caused by open burn pits;

(3) develop a public information campaign to inform eligible individuals about the open burn pit registry, including how to register and the benefits of registering; and

(4) periodically notify eligible individuals of significant developments in the study and treatment of conditions associated with exposure to toxic airborne chemicals and fumes caused by open burn pits.

(b) REPORT TO CONGRESS.—

(1) REPORTS BY INDEPENDENT SCIENTIFIC ORGANIZATION.—The Secretary of Veterans Affairs shall enter into an agreement with an independent scientific organization to prepare reports as follows:

(A) Not later than two years after the date on which the registry under subsection (a) is established, an initial report containing the following:

(i) An assessment of the effectiveness of actions taken by the Secretaries to collect and maintain information on the health effects of exposure to toxic airborne chemicals and fumes caused by open burn pits.

(ii) Recommendations to improve the collection and maintenance of such information.

(iii) Using established and previously published epidemiological studies, recommendations regarding the most effective and prudent means of addressing the medical needs of eligible individuals with respect to conditions that are likely to result from exposure to open burn pits.

(B) Not later than five years after completing the initial report described in subparagraph (A), a follow-up report containing the following:

(i) An update to the initial report described in subparagraph (A).

(ii) An assessment of whether and to what degree the content of the registry established under subsection (a) is current and scientifically up-to-date.

(2) SUBMITTAL TO CONGRESS.—

(A) INITIAL REPORT.—Not later than two years after the date on which the registry under subsection (a) is established, the Secretary of Veterans Affairs shall submit to Congress the initial report prepared under paragraph (1)(A).

(B) FOLLOW-UP REPORT.—Not later than five years after submitting the report under subparagraph (A), the Secretary of Veterans Affairs shall submit to Congress the follow-up report prepared under paragraph (1)(B).

(3) COOPERATION BY SECRETARY OF DEFENSE.—

(A) IN GENERAL.—The Secretary of Defense shall cooperate with the Secretary of Veterans Affairs and the organization with whom the Secretary of Veterans Affairs enters into an agreement under paragraph (1) in the preparation of the reports required by such paragraph.

(B) PROVISION OF DATA.—In cooperating as required by subparagraph (A), the Secretary of Defense shall provide the Secretary of Veterans Affairs and the organization described in such subparagraph with any and all data that is possessed or obtainable by the Secretary of Defense that is relevant to the preparation of the reports required by paragraph (1).

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means any individual who, on or after September 11, 2001—

(A) was deployed in support of a contingency operation while serving in the Armed Forces; and

(B) during such deployment, was based or stationed at a location where an open burn pit was used.

(2) OPEN BURN PIT.—The term ''open burn pit'' means an area of land located in Afghanistan or Iraq that—

(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

SA 3050. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1536. SUBMITTAL TO CONGRESS OF RISK ASSESSMENTS ON CHANGES IN UNITED STATES TROOP LEVELS IN AFGHANISTAN.

(a) SUBMITTAL REQUIRED.—Not later than 30 days after a decision by the President to change the levels of United States Armed Forces deployed in Afghanistan, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a detailed assessment of the risk posed by such change in levels to the United States mission and interests in Afghanistan.

(b) ELEMENTS.—The risk assessment under subsection (a) on a change in levels of United States Armed Forces in Afghanistan shall include the following:

(1) A description of the current security situation in Afghanistan.

(2) A description of any anticipated changes to United States military operations and objectives in Afghanistan resulting from such change in levels.

(3) An identification and assessment of any changes in United States military capabilities, including manpower, logistics, intelligence, and mobility support, in Afghanistan resulting from such change in levels.

(4) An identification and assessment of the risk associated with any changes in United States military capabilities, operations, and objectives in Afghanistan resulting from such change in levels.

(5) An identification and assessment of any capability gaps within the Afghanistan security forces that will impact their ability to conduct operations following such change in levels.

(6) An identification and assessment of the risk associated with the transition of combat responsibilities to the Afghanistan security forces following such change in levels.

(7) An assessment of the impact of such change in levels on coalition military contributions to the mission in Afghanistan.

(8) A description of the assumptions to be in force regarding the security situation in Afghanistan following such change in levels.

(9) Such other matters regarding such change in levels as the Chairman considers appropriate.

SA 3051. Mr. MCCAIN (for himself, Mr. PORTMAN, Mr. WEBB, Mr. INHOFE, Ms. AYOTTE, Mr. BROWN of Massachusetts, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; as follows:

At the end of subtitle A of title IV, add the following:

SEC. 402. ADDITIONAL MARINE CORPS PERSONNEL FOR THE MARINE CORPS SECURITY GUARD PROGRAM.

(a) ADDITIONAL PERSONNEL.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement a plan which shall increase the number of Marine Corps personnel assigned to the Marine Corps Embassy Security Group at Quantico, Virginia, and Marine Security Group Regional Commands and Marine Security Group detachments at United States missions around the world by up to 1,000 Marines during fiscal years 2014 through 2017.

(2) PURPOSE.—The purpose of the increase under paragraph (1) shall be to provide the end strength and resources necessary to support an increase in Marine Corps security at United States consulates and embassies throughout the world, and in particular at locations identified by the Secretary of State as in need of increased security in light of threats to United States personnel and property by terrorists.

(b) CONSULTATION.—The Secretary of Defense shall develop and implement the plan required by subsection (a) in consultation with the Secretary of State pursuant to the responsibility of the Secretary of State for diplomatic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802), and in accordance with any current memorandum of understanding between the Department of State and the Marine Corps on the operational and administrative supervision of the Marine Corps Security Guard Program.

(c) FUNDING.—

(1) BUDGET REQUESTS.—The budget of the President for each fiscal year after fiscal year 2013, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, shall set forth as separate line elements, under the amounts requested for such fiscal year for each of procurement, operation and maintenance, and military personnel to fully fund each of the following:

(A) The Marine Corps.

(B) The Marine Corps Security Guard Program, including for the additional personnel

under the Marine Corps Security Guard Program as result of the plan required by subsection (a).

(2) PRESERVATION OF FUNDING FOR USMC UNDER NATIONAL MILITARY STRATEGY.—In determining the amounts to be requested for a fiscal year for the Marine Corps Security Guard Program and for additional personnel under the Marine Corps Security Guard Program under paragraph (1), the President shall ensure that amounts requested for the Marine Corps for that fiscal year do not degrade the readiness of the Marine Corps to fulfill the requirements of the National Military Strategy.

(d) REPORTS.—

(1) REPORTS ON PROGRAM.—Not later than October 1, 2014, and annually thereafter through October 1, 2017, the Secretary of Defense shall, in coordination with the Secretary of State, submit to Congress a report on the Marine Corps Security Guard Program. Each report shall include the following:

(A) A description of the expanded security support provided by Marine Corps Security Guards to the Department of State during the fiscal year ending on the date of such report, including—

(i) any increased internal security provided at United States embassies and consulates throughout the world;

(ii) any increased support for emergency action planning, training, and advising of host nation security forces; and

(iii) any expansion of intelligence collection activities.

(B) A description of the current status of Marine Corps personnel assigned to the Program as a result of the plan required by subsection (a).

(C) A description of the Department of Defense resources required in the fiscal year ending on the date of such report to support the Marine Corps Security Guard program, including total end strength and key supporting programs that enable both its current and expanded mission during such fiscal year.

(D) A reassessment of the mission of the Program, as well as procedural rules of engagement under the Program, in light of current and emerging threats to United States diplomatic personnel, and a description and assessment of options to improve the Program to respond to such threats.

(E) An assessment of the feasibility and advisability of authorizing, funding, and administering the Program as a separate program within the Marine Corps, and if such actions are determined to be feasible and advisable, recommendations for legislative and administrative actions to provide for authorizing, funding, and administering the Program as a separate program within the Marine Corps.

(2) REPORT ON CHANGES IN SCOPE OF PROGRAM IN RESPONSE TO CHANGING THREATS.—If the President determines that a modification (whether an increase or a decrease) in the scope of the Marine Corps Security Guard Program is necessary or advisable in light of any change in the nature of threats to United States embassies, consulates and other diplomatic facilities abroad, the President shall—

(A) notify Congress of such modification and the change in the nature of threats prompting such modification; and

(B) take such modification into account in requesting an end strength and funds for the Program for any fiscal year in which such modification is in effect.

SA 3052. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1064. REPORT ON MILITARY RESOURCES NECESSARY TO EXECUTE UNITED STATES FORCE POSTURE STRATEGY IN THE ASIA PACIFIC REGION.

(a) REVIEW REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, conduct a comprehensive review of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with regard to the Asia Pacific region to determine the resources, equipment, and transportation required to meet the strategic and operational plans of the United States.

(2) ELEMENTS.—The review required under paragraph (1) shall include the following elements:

(A) The force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program of the United States associated with the Asia Pacific region that would be required to execute successfully the full range of missions called for in the national defense strategy.

(B) An estimate of the timing for initial and final operational capability for each unit based in, realigned within, or identified for support to the Asia Pacific region.

(C) An assessment of the strategic and tactical sea, ground, and air transportation required for the forces assigned to the Asia Pacific region to meet strategic and operational plans.

(D) The specific capabilities, including the general number and type of specific military platforms, their permanent station, and planned forward operating locations needed to achieve the strategic and warfighting objectives identified in the review.

(E) The forward presence, phased deployments, pre-positioning, and other anticipatory deployments of manpower or military equipment necessary for conflict deterrence and adequate military response to anticipated conflicts.

(F) The budget plan that would be required to provide sufficient resources to execute successfully the full range of missions and phased operations in the Asia Pacific region at a low-to-moderate level of risk and any additional resources (beyond those programmed in the current future-years defense program) required to achieve such a level of risk.

(G) Budgetary recommendations that are not constrained to comply with and are fully independent of the budget submitted to Congress by the President pursuant to section 1105 of title 31, United States Code.

(b) CJCS REVIEW.—Upon the completion of the review under subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman's assessment of the review, including the Chairman's assessment of risk and a description of the capabilities needed to address such risk.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the review required under subsection (a).

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of the elements set forth under subsection (a)(1).

(B) A description of the assumptions used in the examination, including assumptions relating to—

(i) the status of readiness of the Armed Forces;

(ii) the cooperation of allies, mission-sharing, and additional benefits to and burdens on the Armed Forces resulting from coalition operations;

(iii) warning times;

(iv) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies;

(v) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies; and

(vi) the roles and responsibilities that would be discharged by contractors.

(C) Any other matters the Secretary of Defense considers appropriate.

(D) The assessment of the Chairman of the Joint Chiefs of Staff under subsection (b), including related comments of the Secretary of Defense.

(3) FORM.—The report required under paragraph (1) may be submitted in classified or unclassified form.

SA 3053. Mr. MCCAIN (for himself, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mr. JOHANNS, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. TRANSFER OF EXCESS AIRCRAFT FOR WILDFIRE SUPPRESSION PURPOSES.

(a) TRANSFER.—Subject to subsection (c), the Secretary of Defense shall transfer excess aircraft specified in subsection (b) to the Secretary of Agriculture for use by the Forest Service for wildfire suppression purposes. The transfer of any excess aircraft under this subsection shall be without reimbursement.

(b) AIRCRAFT.—

(1) IN GENERAL.—The aircraft transferred under subsection (a) are aircraft of the Department of Defense that are—

(A) identified by the Forest Service as a suitable platform for wildfire suppression missions;

(B) subject to paragraph (2), excess to the needs of the Department of Defense, as determined by the Secretary of Defense; and

(C) acceptable for use by the Forest Service, as determined by the Secretary of Agriculture.

(2) LIMITATION ON DETERMINATION AS EXCESS.—Aircraft may not be determined to be excess for purposes of this subsection if such aircraft are expressly prohibited from being determined excess by law.

(c) PRIORITY IN TRANSFER.—The Secretary of Agriculture shall be afforded a priority in the transfer under subsection (a) of excess aircraft of the Department of Defense specified in subsection (b) before any other department or agency of the Federal Government.

(d) CONDITIONS OF TRANSFER.—Excess aircraft transferred under subsection (a)—

(1) may be used only for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes approved by the Secretary of Agriculture in writing in advance.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer excess aircraft under subsection (a) shall expire on December 31, 2013.

SEC. 1085. REAUTHORIZATION OF SALE OF AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.

Section 2 of the Wildfire Suppression Aircraft Transfer Act of 1996 (10 U.S.C. 2576 note) is amended—

(1) in subsection (a), by striking ''during the period beginning on October 1, 1996, and ending on September 30, 2005'' and inserting ''during a period specified in subsection (g)'';

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

''(g) PERIODS FOR EXERCISE OF AUTHORITY.—The periods specified in this subsection are the following:

''(1) The period beginning on October 1, 1996, and ending on September 30, 2005.

''(2) The period beginning on October 1, 2012, and ending on September 30, 2017.''.

SA 3054. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1024. NOTICE TO CONGRESS AND WAIT ON PROPOSALS TO NAME NAVAL VESSELS.

Section 7292 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) The Secretary of the Navy may not announce or implement any proposal to name a vessel of the Navy until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such proposal.''.

SA 3055. Mr. MANCHIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 585. ADVANCEMENT OF BRIGADIER GENERAL CHARLES E. YEAGER, UNITED STATES AIR FORCE (RETIRED), ON THE RETIRED LIST.

(a) ADVANCEMENT.—Brigadier General Charles E. Yeager, United States Air Force (retired), is entitled to hold the rank of major general while on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of Charles E. Yeager on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which Charles E. Yeager is now or may in the future be entitled based upon his military service or affect any benefits to which any other person may become entitled based on his service.

SA 3056. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 216. EXTENSION OF AUTHORITY TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Section 2374a(f) of title 10, United States Code, is amended by striking ''September 30, 2013'' and inserting ''September 30, 2014''.

SA 3057. Mr. CASEY (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1064. REPORT ON FOREIGN AREA OFFICER PROGRAM.

(a) STUDY AND REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a study and submit to the congressional defense committees a report on the Foreign Area Officer program and implications of the strategic rebalance to the Asia-Pacific region.

(b) MATTERS COVERED.—The study and report required under subsection (a) shall cover the following matters:

(1) The number of military personnel in the Foreign Area Officer program by country and service in each combatant commander's area of responsibility.

(2) The number of women and minorities within the Foreign Area Officer Program.

(3) Planned actions to address the 30 percent shortage of Foreign Area Officer personnel fill rates in the United States Pacific Command, the United States Africa Command, and the United States Special Operations Command.

(4) A forecast of future Foreign Area Officer requirements.

(5) A listing of the Department of Defense programs with objectives similar to the Foreign Area Officer program and a discussion of how they complement or are distinct from the Foreign Area Officer program.

(6) Planned actions to ensure Foreign Area Officers maintain the skills acquired through the program when serving in a non-Foreign Area Officer capacity, including language skills, cultural understanding, and regional knowledge.

(7) Planned actions in creating a Foreign Area Officer Reserve Corps across all services that is fully trained and capable of carrying out Foreign Area Officer missions.

(8) A description of mechanisms that the Department of Defense utilizes to maintain a connection to Foreign Area Officer program alumni and a discussion on the effectiveness of each mechanism.

(c) RECOMMENDATIONS.—The report submitted under subsection (a) shall include recommendations for any legislation necessary to enhance the Foreign Area Officer program in support of the newly articulated rebalance to the Asia-Pacific.

SA 3058. Mrs. GILLIBRAND (for herself, Mr. LIEBERMAN, Mr. BLUMENTHAL, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BEGICH, Mr. MENENDEZ, Mr. SANDERS, Mr. AKAKA, Ms. MIKULSKI, Mr. LEAHY, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 704. CERTAIN TREATMENT OF AUTISM UNDER THE TRICARE PROGRAM.

(a) CERTAIN TREATMENT OF AUTISM.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1077 the following new section:

''§ 1077a. Treatment of autism under the TRICARE program

''(a) IN GENERAL.—Except as provided in subsection (c), for purposes of providing health care services under this chapter, the treatment of autism spectrum disorders shall include behavioral health treatment, including applied behavior analysis, when prescribed by a physician.

''(b) REQUIREMENTS IN PROVISION OF SERVICES.—In carrying out subsection (a), the Secretary of Defense shall ensure that—

''(1) except as provided by paragraph (2), a person who is authorized to provide behavioral health treatment is licensed or certified by a State or accredited national certification board; and

''(2) if applied behavior analysis or other behavioral health treatment is provided by an employee or contractor of a person described in paragraph (1), the employee or contractor shall meet minimum qualifications, training, and supervision requirements as set forth by the Secretary who shall ensure that covered beneficiaries have appropriate access to care in accordance with best practice guidelines.

''(c) EXCLUSIONS.—Subsection (a) shall not apply to the following:

''(1) Covered beneficiaries under this chapter who are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act.

''(2) Covered beneficiaries under this chapter who are former members, dependents of former members, or survivors of any uniformed service not under the jurisdiction of the Department of Defense.

''(d) CONSTRUCTION WITH OTHER BENEFITS.—(1) Nothing in this section shall be construed as limiting or otherwise affecting the benefits otherwise provided under this chapter to a covered beneficiary who is a beneficiary by virtue of—

''(A) service in the Coast Guard, the Commissioned Corp of the National Oceanic and Atmospheric Administration, or the Commissioned Corp of the Public Health Service; or

''(B) being a dependent of a member of a service described in subparagraph (A).

''(2) Nothing in this section shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

''(A) this chapter;

''(B) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

''(C) any other law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1077 the following new item:

''1077a. Treatment of autism under the TRICARE program.''.

(b) FUNDING.—

(1) INCREASE.—The amount authorized to be appropriated for fiscal year 2013 by section 1406 and available for the Defense Health Program for Private Sector Care as specified in the funding table in section 4501 is hereby increased by $30,000,000, with the amount of the increase to be available for the provision of care in accordance with section 1077a of title 10, United States Code (as added by subsection (a)).

(2) OFFSET.—The amount authorized to be appropriated for fiscal year 2013 by section 301 for Operation and Maintenance and available as specified in the funding table in section 4301 is hereby reduced by $30,000,000.

SA 3059. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1064. REPORT ON ESTABLISHMENT OF JOINT ARMED FORCES HISTORICAL STORAGE AND PRESERVATION FACILITY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the feasability and advisability of establishing a joint Armed Forces historical storage and preservation facility. The report shall include a description and assessment of the current capacities and qualities of the historical storage and preservation facilities of each of the Armed Forces, including the following:

(1) An identification of any excess capacity at any such facility.

(2) An identification of any shortfalls in the capacity or quality of such facilities of any Armed Force, and a description of possible actions to address such shortfalls.

SA 3060. Mr. TOOMEY (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. PILOT PROGRAM ON PROVIDING VETERANS WITH ACCESS AT ONE-STOP CENTERS TO INTERNET WEBSITES TO FACILITATE ONLINE JOB SEARCHES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor shall commence a pilot program to assess the feasibility and advisability of providing veterans seeking employment with access to computing facilities to facilitate the access of such veterans to Internet websites that—

(1) match such veterans with available jobs based on the skills the veterans acquired as members of the Armed Forces; and

(2) allow employers to post information about available jobs.

(b) DURATION.—The pilot program required by subsection (a) shall be carried out during the one-year period beginning on the date on which the Secretary commences the pilot program.

(c) LOCATIONS.—The pilot program shall be carried out at such one-stop centers and such other locations as the Secretary of Labor considers appropriate for purposes of the pilot program.

(d) ASSISTANCE WITH USE OF INTERNET WEBSITES.—

(1) IN GENERAL.—Under the pilot program, the Secretary of Labor shall provide each veteran using computing facilities made available under the pilot program with assistance in using such facilities to find employment via Internet websites described in subsection (a).

(2) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—Each State that employs a disabled veterans' outreach program specialist under section 4103A of title 38, United States Code, or a local veterans' employment representative under section 4104 of such title shall make such employees available to the Secretary of Labor for purposes of providing assistance under paragraph (1).

(e) REPORT.—Not later than 455 days after the date of the enactment of this Act, the Secretary of Labor shall submit to the Committee on Veterans' Affairs and the Committee on Heath, Education, Labor, and Pensions of the Senate and the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives a report on the pilot program that includes the findings of the Secretary with respect to the feasibility and advisability of providing computing facilities as described in subsection (a) with assistance as described in subsection (d) at all one-stop centers.

(f) FUNDING.—Amounts made available to the Secretary of Labor to make grants or contracts under section 4102A(b)(5) of title 38, United States Code, shall be available to the Secretary to carry out the pilot program required by subsection (a).

(g) ONE-STOP CENTER DEFINED.—In this section, the term ''one-stop center'' means a center described in section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)).

SEC. 1085. REPEAL OF REQUIREMENT FOR ANNUAL REPORT BY SECRETARY OF VETERANS AFFAIRS ON USE OF AUTHORITIES TO ENHANCE RETENTION OF EXPERIENCED NURSES.

(a) IN GENERAL.—Section 7324 of title 38, United States Code, is hereby repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by striking the item relating to section 7324.

SA 3061. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, insert the following:

SEC. 1246. CONTINGENT LIMITATION ON AVAILABILITY OF FUNDS FOR UNITED STATES PARTICIPATION IN JOINT MILITARY EXERCISES WITH EGYPT.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act may be made used for United States participation in joint military exercises with Egypt if the Government of Egypt abrogates, terminates, or withdraws from the 1979 Egypt-Israel peace treaty signed at Washington, D.C., on March 26, 1979.

(b) WAIVER.—The President may waive the limitation in subsection (a) if the President certifies to Congress in writing that the waiver is in the national security interests of the United States.

SA 3062. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 888. INCLUSION OF INFORMATION ON COMMON GROUNDS FOR SUSTAINING BID PROTESTS IN ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE REPORTS TO CONGRESS.

The Comptroller General of the United States shall include in the annual report to Congress on the Government Accountability Office each year a list of the most common grounds for sustaining protests relating to bids for contracts during such year.

SA 3063. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1536. SENSE OF SENATE THAT THE UNITED STATES SHOULD LEAVE NO MEMBER OF THE ARMED FORCES UNACCOUNTED FOR IN THE WITHDRAWAL OF FORCES FROM AFGHANISTAN.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States is a Nation of great honor and integrity.

(2) The United States has made a sacred promise to members of the Armed Forces who are deployed overseas in defense of this country that their sacrifice and service will never be forgotten.

(3) The United States can never thank the proud members of the Armed Forces enough for what they do for this country on a daily basis.

(b) SENSE OF SENATE.—The Senate—

(1) believes that abandoning the search efforts for members of the Armed Forces who are missing or captured in the line of duty now or in the future is unacceptable;

(2) believes that the United States has a responsibility to keep the promises made to members of the Armed Forces who risk their lives on a daily basis on behalf of their fellow Americans;

(3) supports the United States Soldier's Creed and the Warrior Ethos, which state that ''I will never leave a fallen comrade''; and

(4) believes that, while the United States is beginning the strategic withdrawal of forces from Afghanistan, the United States must continue to fulfill these important promises to any member of the Armed Forces who is in a missing status or captured as a result of service in Afghanistan now or in the future.

SA 3064. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1064. STUDY ON BRADLEY FIGHTING VEHICLE INDUSTRIAL BASE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall conduct a study on the Bradley Fighting Vehicle industrial base.

(b) CONTENT.—The study required under subsection (a) shall—

(1) assess the quantitative impacts of a production break for the Bradley Fighting Vehicle, including the cost of shutdown compared to the cost of continued production; and

(2) assess the qualitative impacts of a production break for the Bradley Fighting Vehicle, including the loss of a specialized workforce and supplier base.

SA 3065. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

SEC. 735. SUBMITTAL TO CONGRESS OF REPORT OF INTERAGENCY TASK FORCE ON MILITARY AND VETERANS MENTAL HEALTH.

The Secretary of Defense and the Secretary of Health and Human Services shall jointly submit to the congressional defense committees the report of the Interagency Task Force on Military and Veterans Mental Health, established pursuant to section 6 of Executive Order 13625 (77 Fed. Reg. 54783), of which they are the co-chairs, not later than 30 days after the final publication of the report.

SA 3066. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1064. REPORT ON SIMULATED TACTICAL FLIGHT TRAINING IN A SUSTAINED GRAVITY ENVIRONMENT.

(a) INDEPENDENT STUDY REQUIRED.—The Secretary of Defense shall provide for the conduct by an appropriate federally funded research and development center (FFRDC) of a study on the effectiveness of simulated tactical flight training in a sustained gravity environment.

(b) ELEMENTS.—The study conducted pursuant to subsection (a) shall include the following:

(1) An assessment of the effectiveness of high fidelity simulated tactical flight training in a sustained gravity environment generally, and, in particular, the effectiveness of such training in preparing pilots to withstand and tolerate the high-gravity forces associated with the operation of high-performance combat aircraft (commonly referred to as ''G readiness'' and ''G tolerance'').

(2) An assessment of the cost savings to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including cost savings associated with operation and maintenance and life cycle savings associated with aircraft and airframe usage.

(3) An assessment of the safety benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment.

(4) An identification and assessment of other benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including benefits relating to physiological research and benefits relating to reductions in carbon emissions.

(5) An evaluation and comparison of tactical flight simulators that could be used for simulated tactical flight training in a sustained gravity environment.

(6) Such other matters relating to the use of simulated tactical flight training in a sustained gravity environment as the Secretary shall specify for purposes of the study.

(c) REPORT.—In providing for study pursuant to subsection (a), the Secretary shall require the federally funded research and development center conducting the study to submit to the Secretary a report on the results of the study, including the matters specified in subsection (b), by not later than 18 months after the date of the enactment of this Act.

(d) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the submittal to the Secretary of the report required by subsection (c), the Secretary shall transmit the report to the congressional defense committees, together with any comments of the Secretary in light of the report and such recommendations for legislative or administrative action as the Secretary considers appropriate regarding the use of simulated tactical flight training in a sustained gravity environment in light of the report.

SA 3067. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1048. PROHIBITION ON FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.

None of the funds authorized to be appropriated by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport.

SA 3068. Mr. CORNYN (for himself, Mr. MENENDEZ, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 146. SALE OF F–16C/D MULTIROLE FIGHTER AIRCRAFT TO TAIWAN.

The President shall carry out the sale of not fewer than 66 F–16C/D multirole fighter aircraft to Taiwan.

SA 3069. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. PLAN TO PARTNER WITH STATE AND LOCAL ENTITIES TO ADDRESS VETERANS CLAIMS BACKLOG.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Veterans Affairs defines any claim for benefits under laws administered by the Secretary of Veterans Affairs as backlogged if the claim has been pending for 125 days or more.

(2) According to the Department, as of November 24, 2012, there were 899,540 pending claims, with 604,583 (67.2 percent) of those considered backlogged.

(3) The Department's data further shows that, on November 22, 2010, there were 749,934 claims pending, with only 244,129 (32.6 percent) of those considered backlogged.

(4) During the past two years, both the overall number of backlogged claims and the percentage of all pending claims that are backlogged have doubled.

(5) In order to reduce the claims backlog at regional offices of the Department of Veterans Affairs located in Texas, the Texas Veterans Commission announced two initiatives on July 19, 2012, to partner with the Department of Veterans Affairs—

(A) to assist veterans whose claims are already backlogged to complete development of those claims; and

(B) to help veterans who are filing new claims to fully develop those claims prior to filing them, shortening the processing time required.

(6) The common goal of the two initiatives of the Texas Veterans Commission, called the ''Texas State Strike Force Team'' and the ''Fully Developed Claims Team Initiative'', is to reduce the backlog of claims pending in Texas by 17,000 within one year.

(7) During the first two months of these new initiatives, the Texas Veterans Commission helped veterans complete development of more than 2,500 backlogged claims and assisted veterans with the submission of more than 800 fully developed claims.

(8) In testimony before the Subcommittee on Disability Assistance and Memorial Affairs of the Committee on Veterans' Affairs of the House of Representatives on September 21, 2012, Diana Rubens, Deputy Under Secretary for Field Operations of the Veterans Benefits Administration, indicated that the Department of Veterans Affairs has experienced positive outcomes in projects with the Texas Veterans Commission, stating that both Veterans Service Organizations ''and state and county service officers . . . are important partners in VBA's transformation to better serve Veterans.''.

(9) At the same hearing, Mr. John Limpose, director of the regional office of the Department of Veterans Affairs in Waco, Texas, testified that the ''TVC is working very, very well'' with regional offices of the Department in Texas, calling the Texas Veterans Commission a ''very positive story that we can branch out into . . . all of our stakeholders.''.

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to reduce the current backlog of pending claims for benefits under laws administered by the Secretary and more efficiently process claims for such benefits in the future.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A summary of all steps the Secretary has taken thus far to partner with non-Federal entities in support of efforts to reduce the backlog described in paragraph (1) and more efficiently process claims described in such paragraph in the future.

(B) A plan for the Secretary to partner with non-Federal entities, and when appropriate, provide financial support to non-Federal entities, to support efforts to reduce such backlog and more efficiently process such claims in the future, including the following:

(i) State and local agencies relating to veterans affairs.

(ii) Organizations recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(iii) Such other relevant government and non-government entities as the Secretary considers appropriate.

(C) A description of how the Secretary intends to leverage partnerships with non-Federal entities described in subparagraph (B) to eliminate such backlog, including through increasing the percentage of claims that are fully developed prior to submittal to the Secretary and ensuring that new claims are fully developed prior to their submittal.

(D) A description of what steps the Secretary has taken and will take—

(i) to expedite the processing of claims that are already fully developed at the time of submittal; and

(ii) to support initiatives by non-Federal entities described in subparagraph (B) to help claimants gather and submit necessary evidence for claims that were previously filed but require further development.

SA 3070. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. CERTIFICATE OF DOCUMENTATION FOR DRY DOCK.

(a) REQUIREMENT TO ISSUE.—Notwithstanding sections 12103, 12105, 12112, 55102, and 55103 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall issue a certificate of documentation with appropriate endorsement for engaging in the coastwise trade in the United States for Dry Dock 17 (formerly USN-YFD-17).

(b) NOTIFICATION OF TRANSFER OF OWNERSHIP.—A dry dock issued a certificate of documentation under subsection (a) shall submit to Congress a notification of any proposed transfer of ownership of such dry dock not later than 120 days prior to the date of such proposed transfer.

SA 3071. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 526. RESEARCH STUDY ON RESILIENCE IN MEMBERS OF THE ARMY.

(a) RESEARCH STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall carry a research program on resilience in members of the Army.

(2) PURPOSE.—The purpose of the research study shall be to determine the effectiveness of the current Comprehensive Soldier and Family Fitness (CSF2) Program of the Army while verifying the current means of the Army to reduce trends in high risk or self-destructive behavior and to prepare members of the Army to manage stressful or traumatic situations by training members in resilience strategies and techniques.

(3) ELEMENTS.—In carrying out the research study, the Secretary shall determine the effectiveness of training under the Comprehensive Soldier and Family Fitness program in—

(A) enhancing individual performance through resiliency techniques and use of positive and sports psychology; and

(B) identifying and responding to early signs of high-risk behavior in members of the Army assigned to units involved in the research study.

(4) SCIENCE-BASED EVIDENCE AND TECHNIQUES.—The research study shall be rooted in scientific evidence, using professionally accepted measurements of experiments, of longitudinal research, random-assignment, and placebo-controlled outcome studies to evaluate which interventions can prove positive results and which result in no impact.

(b) LOCATIONS.—The Secretary carry out the research study at locations selected by the Secretary from among Army installations which are representative of the Total Force. Units from all components of the Army shall be involved in the research study.

(c) TRAINING.—In carrying out the research study at an installation selected pursuant to subsection (b), the Secretary shall ensure, at a minimum, that whenever a unit returns from combat deployment to the installation the training established for purposes of the research study is provided to all members of the Army returning for such deployment. The training shall include such training as the Secretary considers appropriate to reduce trends in high risk or self-destructive behavior

(d) PERIOD.—The Secretary shall carry out the research study through September 30, 2014.

(e) REPORTS.—Not later than 30 days after the end of each of fiscal years 2013 and 2014, the Secretary shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report on the research study during the preceding fiscal year. Each report shall include the following:

(1) A description of the trends in high risk or self-destructive behavior within each of the units involved in the research study during the fiscal year covered by such report.

(2) A description of the effectiveness of Comprehensive Soldier and Family Fitness Program training in enhancing individual performance through resiliency techniques, utilization of positive psychology.

(3) In the case of the report on fiscal year 2014, such recommendations for the expansion or modification of the research study as the Secretary considers appropriate.

(f) FUNDING.—Of the amounts authorized to be appropriated for each of fiscal years 2013 and 2014 for the Working Capital Fund, Army, not more than $6,000,000, shall be available in such fiscal year to carry out the research study.

SA 3072. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title II, add the following:

SEC. 272. SENSE OF SENATE ON INCREASING THE COST-EFFECTIVENESS OF TRAINING EXERCISES FOR MEMBERS OF THE ARMED FORCES.

It is the sense of the Senate that—

(1) modeling and simulation will continue to play a critical role in the training of the members of the Armed Forces;

(2) while increased modeling and simulation has reduced overall costs of training of members of the Armed Forces, there are still significant costs associated with the human resources required to execute certain training exercises where role-playing actors for certain characters such as opposing forces, the civilian populace, other government agencies, and non-governmental organizations are required;

(3) technological advances in areas such as varying levels of autonomy for systems, multi-player gaming techniques, and artificial intelligence could reduce the number of personnel required to support certain training exercises for members of the Armed

Forces, and thereby reduce the overall cost of the exercises; and

(4) the Secretary of Defense should develop a plan to increase the use of emerging technologies in autonomous systems, the commercial gaming sector, and artificial intelligence for training exercises for members of the Armed Forces to increase training effectiveness and reduce costs.

SA 3073. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 643. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFITS PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2)(B), the Secretary concerned'' and inserting ''The Secretary concerned''; and

(2) in paragraph (2)—

(A) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),''; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SA 3074. Mr. NELSON of Florida (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

On page 394, between lines 7 and 8, insert the following:

SEC. 1084. ACCEPTANCE AND USE OF NON-FEDERAL AMOUNTS FOR NAVIGATION PROJECTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Army, acting through the Chief of Engineers, may accept and use non-Federal amounts to construct a navigation project that has not been specifically authorized by an Act of Congress if—

(1) the Secretary has received a completed report of the Chief of Engineers for the project;

(2) the project will be constructed according to the specifications of the Corps of Engineers; and

(3) the project is funded by non-Federal sources using non-Federal amounts.

(b) DURATION.—The authority provided under subsection (a) applies only to projects on which construction begins in the 2-year period beginning on the date of enactment of this Act.

SA 3075. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 826. SENSE OF SENATE ON THE CONTINUING PROGRESS OF THE DEPARTMENT OF DEFENSE IN IMPLEMENTING ITS ITEM UNIQUE IDENTIFICATION INITIATIVE.

(a) FINDINGS.—The Senate makes the following findings:

(1) In 2003, the Department of Defense initiated the Item Unique Identification (IUID) Initiative, which requires the marking and tracking of assets deployed throughout the Armed Forces or in the possession of Department contractors.

(2) The Initiative has the potential for realizing significant cost savings and improving the management of defense equipment and supplies throughout their lifecycle.

(3) The Initiative can help the Department combat the growing problem of counterfeits in the military supply chain.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to support efforts by the Department of Defense to implement the Item Unique Identification Initiative;

(2) to support measures to verify contractor compliance with section 252.211–7003 (entitled ''Item Identification and Valuation'') of the Defense Supplement to the Federal Acquisition Regulation, on Unique Identification, which states that a unique identification equivalent recognized by the Department is required for certain acquisitions;

(3) to encourage the Armed Forces to adopt and implement Item Unique Identification actions and milestones; and

(4) to support investment of sufficient resources and continued training and leadership to enable the Department to capture meaningful data and optimize the benefits of the Item Unique Identification Initiative.

SA 3076. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVIII—FIRE GRANTS REAUTHORIZATION

SEC. 1801. SHORT TITLE.

This title may be cited as the ''Fire Grants Reauthorization Act of 2012''.

SEC. 1802. AMENDMENTS TO DEFINITIONS.

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting '', except as otherwise provided,'' after ''means'';

(2) in paragraph (4), by striking '' 'Director' means'' and all that follows through ''Agency;'' and inserting '' 'Administrator of FEMA' means the Administrator of the Federal Emergency Management Agency;'';

(3) in paragraph (5)—

(A) by inserting ''Indian tribe,'' after ''county,''; and

(B) by striking ''and 'firecontrol' '' and inserting ''and 'fire control' '';

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

''(6) 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act

(25 U.S.C. 450b) and 'tribal' means of or pertaining to an Indian tribe;'';

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

''(9) 'Secretary' means, except as otherwise provided, the Secretary of Homeland Security;''; and

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

''(10) 'State' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).''.

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking ''Director'' each place it appears and inserting ''Administrator of FEMA''.

(2) ADMINISTRATOR OF FEMA'S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking ''Director's Award'' each place it appears and inserting ''Administrator's Award''.

SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

''SEC. 33. FIREFIGHTER ASSISTANCE.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR OF FEMA.—The term 'Administrator of FEMA' means the Administrator of FEMA, acting through the Administrator.

''(2) AVAILABLE GRANT FUNDS.—The term 'available grant funds', with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

''(3) CAREER FIRE DEPARTMENT.—The term 'career fire department' means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

''(4) COMBINATION FIRE DEPARTMENT.—The term 'combination fire department' means a fire department that has—

''(A) paid firefighting personnel; and

''(B) volunteer firefighting personnel.

''(5) FIREFIGHTING PERSONNEL.—The term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

''(6) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(7) NONAFFILIATED EMS ORGANIZATION.—The term 'nonaffiliated EMS organization' means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

''(8) PAID-ON-CALL.—The term 'paid-on-call' with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

''(9) VOLUNTEER FIRE DEPARTMENT.—The term 'volunteer fire department' means a fire department that has an all-volunteer force of firefighting personnel.

''(b) ASSISTANCE PROGRAM.—

''(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

''(A) assistance to firefighters grants under subsection (c); and

''(B) fire prevention and safety grants and other assistance under subsection (d).

''(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

''(A) establish specific criteria for the selection of grant recipients under this section; and

''(B) provide assistance with application preparation to applicants for such grants.

''(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

''(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

''(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

''(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

''(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

''(2) MAXIMUM GRANT AMOUNTS.—

''(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

''(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed $1,000,000 in any fiscal year.

''(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed $2,000,000 in any fiscal year.

''(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed $3,000,000 in any fiscal year.

''(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $6,000,000 for any fiscal year.

''(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $9,000,000 in any fiscal year.

''(B) AGGREGATE.—

''(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

''(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

''(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

''(A) To train firefighting personnel in—

''(i) firefighting;

''(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

''(iii) arson prevention and detection;

''(iv) maritime firefighting; or

''(v) the handling of hazardous materials.

''(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

''(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

''(D) To certify—

''(i) fire inspectors; and

''(ii) building inspectors—

''(I) whose responsibilities include fire safety inspections; and

''(II) who are employed by or serving as volunteers with a fire department.

''(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

''(F) To fund emergency medical services provided by fire departments and nonaffiliated EMS organizations.

''(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

''(H) To acquire additional firefighting equipment, including equipment for—

''(i) fighting fires with foam in remote areas without access to water; and

''(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

''(I) To acquire personal protective equipment, including personal protective equipment—

''(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

''(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

''(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

''(K) To educate the public about arson prevention and detection.

''(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

''(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

''(d) FIRE PREVENTION AND SAFETY GRANTS.—

''(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

''(A) award grants to fire departments;

''(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

''(i) fire prevention programs; and

''(ii) research to improve firefighter health and life safety; and

''(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

''(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed $1,500,000 for a fiscal year.

''(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall

use the grant for one or more of the following purposes:

''(A) To enforce fire codes and promote compliance with fire safety standards.

''(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

''(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

''(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

''(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

''(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

''(e) APPLICATIONS FOR GRANTS.—

''(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

''(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

''(A) A description of the financial need of the applicant for the grant.

''(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

''(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

''(D) A list of other sources of funding received by the applicant—

''(i) for the same purpose for which the application for a grant under this section was submitted; or

''(ii) from the Federal Government for other fire-related purposes.

''(E) Such other information as the Administrator of FEMA determines appropriate.

''(3) JOINT OR REGIONAL APPLICATIONS.—

''(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

''(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

''(C) GUIDANCE.—The Administrator of FEMA shall—

''(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

''(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

''(f) PEER REVIEW OF GRANT APPLICATIONS.—

''(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

''(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

''(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

''(1) The findings and recommendations of the peer reviews carried out under subsection (f).

''(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

''(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

''(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

''(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

''(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

''(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

''(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

''(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

''(5) not less than 10 percent are awarded under subsection (d); and

''(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

''(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

''(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

''(2) STATE FIRE TRAINING ACADEMIES.—

''(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

''(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds $1,000,000 in any fiscal year.

''(3) AMOUNTS FOR PURCHASING FIREFIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

''(j) FURTHER CONSIDERATIONS.—

''(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

''(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

''(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

''(i) Population served.

''(ii) Geographic response area.

''(iii) Hazards vulnerability.

''(iv) Call volume.

''(v) Financial situation, including unemployment rate of the area being served.

''(vi) Need for training or equipment.

''(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

''(3) AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

''(A) prevention of injuries to high risk groups from fire; and

''(B) research programs that demonstrate a potential to improve firefighter safety.

''(4) AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

''(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

''(i) select each grant recipient on—

''(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

''(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

''(III) the recipient's ability to disseminate the results of fire safety research; and

''(IV) the strategic plan the recipient proposes to carry out under the grant;

''(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

''(I) a national fire service organization or a national fire safety organization; and

''(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

''(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

''(B) RESEARCH NEEDS.—

''(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

''(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

''(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

''(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

''(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

''(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

''(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

''(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

''(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

''(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

''(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

''(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

''(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

''(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

''(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

''(4) WAIVER.—

''(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

''(B) GUIDELINES.—

''(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

''(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

''(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

''(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

''(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

''(I) Changes in rates of unemployment from previous years.

''(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

''(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

''(IV) Such other factors as the Administrator of FEMA considers appropriate.

''(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

''(i) is described in subsection (d)(1)(B); and

''(ii) is not a fire department or emergency medical services organization.

''(l) GRANT GUIDELINES.—

''(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

''(A) guidelines that describe—

''(i) the process for applying for grants under this section; and

''(ii) the criteria that will be used for selecting grant recipients; and

''(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

''(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

''(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

''(i) Criteria for the awarding of grants under this section.

''(ii) Administrative changes to the assistance program established under subsection (b).

''(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

''(i) is recognized for expertise in firefighting or emergency medical services;

''(ii) is not an employee of the Federal Government; and

''(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

''(I) providers of emergency medical services that are affiliated with fire departments; or

''(II) nonaffiliated EMS providers.

''(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

''(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

''(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

''(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

''(p) ENSURING EFFECTIVE USE OF GRANTS.—

''(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

''(A) the grant amounts are expended for the intended purposes; and

''(B) the grant recipient complies with the requirements of subsection (k).

''(2) PERFORMANCE ASSESSMENT.—

''(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

''(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

''(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

''(4) ANNUAL REPORTS TO CONGRESS.—

''(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

''(i) information on the performance assessment system developed under paragraph (2); and

''(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

''(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

''(q) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

''(A) $750,000,000 for fiscal year 2013; and

''(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

''(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

''(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

''(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

''(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

''(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.''.

SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

''(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.''.

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

''(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

''(i) 75 percent in the first year of the grant;

''(ii) 75 percent in the second year of the grant; and

''(iii) 35 percent in the third year of the grant.''.

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking ''organizations on a local or statewide basis'' and inserting ''national, State, local, or tribal organizations''.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

''(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

''(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

''(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

''(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.''.

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following:

''(d) WAIVERS.—

''(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

''(A) waive the requirements of subsection (c)(1); or

''(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

''(2) GUIDELINES.—

''(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

''(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

''(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

''(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

''(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

''(i) Changes in rates of unemployment from previous years.

''(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

''(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

''(iv) Such other factors as the Administrator of FEMA considers appropriate.''.

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

''(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

''(2) SUBMITTAL OF INFORMATION.—''.

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking ''The authority'' and all that follows through ''Congress concerning'' and inserting the following: ''Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on''.

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking ''SUNSET AND REPORTS'' and inserting ''REPORT''.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking ''In this section, the term—'' and inserting ''In this section:'';

(B) in paragraph (1)—

(i) by inserting ''The term'' before ''‘firefighter’ has''; and

(ii) by striking ''; and'' and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

''(2) The terms ‘Administrator of FEMA’, ‘career fire department’, ‘combination fire department’, and ‘volunteer fire department’ have the meanings given such terms in section 33(a).''.

(2) CONFORMING AMENDMENT.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking ''career, volunteer, and combination fire departments'' and inserting ''career fire departments, combination fire departments, and volunteer fire departments''.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(8) $750,000,000 for fiscal year 2013; and

''(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

''(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).''.

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking ''There are'' and inserting the following:

''(1) IN GENERAL.—There are''; and

(D) by adding at the end the following:

''(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.''.

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

''(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).''.

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking ''Administrator'' each place it appears and inserting ''Administrator of FEMA''.

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking ''**EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM**'' and inserting the following: ''**STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE**''.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

''(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.''.

SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.

(a) IN GENERAL.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this title.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the effect of the amendments made by sections 1803 and 1804 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 1803 and 1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Fire Administration.

(2) CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.—The terms ''career fire department'', ''combination fire department'', and ''volunteer fire department'' have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) FIRE SERVICE.—The term ''fire service'' has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(b) STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.—

(1) STUDY.—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) SURVEY.—

(A) IN GENERAL.—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) ELEMENTS.—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) REPORT ON FINDINGS OF STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(c) TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the ''Task Force to Enhance Firefighter Safety'' (in this subsection referred to as the ''Task Force'').

(2) MEMBERSHIP.—

(A) IN GENERAL.—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.—

(1) STUDY.—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) REPORT.—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section—

(1) $600,000 for fiscal year 2013; and

(2) $600,000 for fiscal year 2014.

SA 3077. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVIII—FEDERAL ASSISTANCE TO FIRE DEPARTMENTS

Subtitle A—Fire Grants Reauthorization

SEC. 1801. SHORT TITLE.

This subtitle may be cited as the ''Fire Grants Reauthorization Act of 2012''.

SEC. 1802. AMENDMENTS TO DEFINITIONS.

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting '', except as otherwise provided,'' after ''means'';

(2) in paragraph (4), by striking '' 'Director' means'' and all that follows through ''Agency;'' and inserting '' 'Administrator of FEMA' means the Administrator of the Federal Emergency Management Agency;'';

(3) in paragraph (5)—

(A) by inserting ''Indian tribe,'' after ''county,''; and

(B) by striking ''and 'firecontrol' '' and inserting ''and 'fire control' '';

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

''(6) 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and 'tribal' means of or pertaining to an Indian tribe;'';

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

''(9) 'Secretary' means, except as otherwise provided, the Secretary of Homeland Security;''; and

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

''(10) 'State' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).''.

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking ''Director'' each place it appears and inserting ''Administrator of FEMA''.

(2) ADMINISTRATOR OF FEMA'S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking ''Director's Award'' each place it appears and inserting ''Administrator's Award''.

SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

''SEC. 33. FIREFIGHTER ASSISTANCE.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR OF FEMA.—The term 'Administrator of FEMA' means the Administrator of FEMA, acting through the Administrator.

''(2) AVAILABLE GRANT FUNDS.—The term 'available grant funds', with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

''(3) CAREER FIRE DEPARTMENT.—The term 'career fire department' means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

''(4) COMBINATION FIRE DEPARTMENT.—The term 'combination fire department' means a fire department that has—

''(A) paid firefighting personnel; and

''(B) volunteer firefighting personnel.

''(5) FIREFIGHTING PERSONNEL.—The term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

''(6) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(7) NONAFFILIATED EMS ORGANIZATION.—The term 'nonaffiliated EMS organization' means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

''(8) PAID-ON-CALL.—The term 'paid-on-call' with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

''(9) VOLUNTEER FIRE DEPARTMENT.—The term 'volunteer fire department' means a fire department that has an all-volunteer force of firefighting personnel.

''(b) ASSISTANCE PROGRAM.—

''(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

''(A) assistance to firefighters grants under subsection (c); and

''(B) fire prevention and safety grants and other assistance under subsection (d).

''(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

''(A) establish specific criteria for the selection of grant recipients under this section; and

''(B) provide assistance with application preparation to applicants for such grants.

''(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

''(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

''(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

''(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

''(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

''(2) MAXIMUM GRANT AMOUNTS.—

''(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

''(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed $1,000,000 in any fiscal year.

''(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed $2,000,000 in any fiscal year.

''(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed $3,000,000 in any fiscal year.

''(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $6,000,000 for any fiscal year.

''(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $9,000,000 in any fiscal year.

''(B) AGGREGATE.—

''(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

''(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

''(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

''(A) To train firefighting personnel in—

''(i) firefighting;

''(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

''(iii) arson prevention and detection;

''(iv) maritime firefighting; or

''(v) the handling of hazardous materials.

''(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

''(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

''(D) To certify—

''(i) fire inspectors; and

''(ii) building inspectors—

''(I) whose responsibilities include fire safety inspections; and

''(II) who are employed by or serving as volunteers with a fire department.

''(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

''(F) To fund emergency medical services provided by fire departments and nonaffiliated EMS organizations.

''(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

''(H) To acquire additional firefighting equipment, including equipment for—

''(i) fighting fires with foam in remote areas without access to water; and

''(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

''(I) To acquire personal protective equipment, including personal protective equipment—

''(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

''(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

''(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

''(K) To educate the public about arson prevention and detection.

''(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

''(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

''(d) FIRE PREVENTION AND SAFETY GRANTS.—

''(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

''(A) award grants to fire departments;

''(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

''(i) fire prevention programs; and

''(ii) research to improve firefighter health and life safety; and

''(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

''(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed $1,500,000 for a fiscal year.

''(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

''(A) To enforce fire codes and promote compliance with fire safety standards.

''(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

''(C) To fund wildland fire prevention programs, including education, awareness, and

mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

''(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

''(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

''(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

''(e) APPLICATIONS FOR GRANTS.—

''(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

''(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

''(A) A description of the financial need of the applicant for the grant.

''(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

''(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

''(D) A list of other sources of funding received by the applicant—

''(i) for the same purpose for which the application for a grant under this section was submitted; or

''(ii) from the Federal Government for other fire-related purposes.

''(E) Such other information as the Administrator of FEMA determines appropriate.

''(3) JOINT OR REGIONAL APPLICATIONS.—

''(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

''(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

''(C) GUIDANCE.—The Administrator of FEMA shall—

''(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

''(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

''(f) PEER REVIEW OF GRANT APPLICATIONS.—

''(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

''(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

''(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

''(1) The findings and recommendations of the peer reviews carried out under subsection (f).

''(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

''(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

''(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

''(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

''(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

''(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

''(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

''(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

''(5) not less than 10 percent are awarded under subsection (d); and

''(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

''(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

''(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

''(2) STATE FIRE TRAINING ACADEMIES.—

''(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

''(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds $1,000,000 in any fiscal year.

''(3) AMOUNTS FOR PURCHASING FIREFIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

''(j) FURTHER CONSIDERATIONS.—

''(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

''(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

''(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

''(i) Population served.

''(ii) Geographic response area.

''(iii) Hazards vulnerability.

''(iv) Call volume.

''(v) Financial situation, including unemployment rate of the area being served.

''(vi) Need for training or equipment.

''(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

''(3) AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

''(A) prevention of injuries to high risk groups from fire; and

''(B) research programs that demonstrate a potential to improve firefighter safety.

''(4) AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

''(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

''(i) select each grant recipient on—

''(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

''(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

''(III) the recipient's ability to disseminate the results of fire safety research; and

''(IV) the strategic plan the recipient proposes to carry out under the grant;

''(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

''(I) a national fire service organization or a national fire safety organization; and

''(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

''(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

''(B) RESEARCH NEEDS.—

''(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

''(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

''(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

''(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

''(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

''(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

''(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

''(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

''(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

''(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

''(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

''(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

''(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

''(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

''(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

''(4) WAIVER.—

''(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

''(B) GUIDELINES.—

''(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

''(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

''(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

''(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

''(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

''(I) Changes in rates of unemployment from previous years.

''(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

''(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

''(IV) Such other factors as the Administrator of FEMA considers appropriate.

''(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

''(i) is described in subsection (d)(1)(B); and

''(ii) is not a fire department or emergency medical services organization.

''(l) GRANT GUIDELINES.—

''(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

''(A) guidelines that describe—

''(i) the process for applying for grants under this section; and

''(ii) the criteria that will be used for selecting grant recipients; and

''(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

''(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

''(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

''(i) Criteria for the awarding of grants under this section.

''(ii) Administrative changes to the assistance program established under subsection (b).

''(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

''(i) is recognized for expertise in firefighting or emergency medical services;

''(ii) is not an employee of the Federal Government; and

''(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

''(I) providers of emergency medical services that are affiliated with fire departments; or

''(II) nonaffiliated EMS providers.

''(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

''(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

''(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

''(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

''(p) ENSURING EFFECTIVE USE OF GRANTS.—

''(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

''(A) the grant amounts are expended for the intended purposes; and

''(B) the grant recipient complies with the requirements of subsection (k).

''(2) PERFORMANCE ASSESSMENT.—

''(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

''(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

''(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

''(4) ANNUAL REPORTS TO CONGRESS.—

''(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

''(i) information on the performance assessment system developed under paragraph (2); and

''(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

''(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

''(q) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

''(A) $750,000,000 for fiscal year 2013; and

''(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

''(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

''(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

''(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

''(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

''(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.''.

SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

''(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.''.

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

''(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

''(i) 75 percent in the first year of the grant;

''(ii) 75 percent in the second year of the grant; and

''(iii) 35 percent in the third year of the grant.''.

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking ''organizations on a local or statewide basis'' and inserting ''national, State, local, or tribal organizations''.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

''(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

''(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

''(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

''(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.''.

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following:

''(d) WAIVERS.—

''(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

''(A) waive the requirements of subsection (c)(1); or

''(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

''(2) GUIDELINES.—

''(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

''(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

''(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

''(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

''(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

''(i) Changes in rates of unemployment from previous years.

''(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

''(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

''(iv) Such other factors as the Administrator of FEMA considers appropriate.''.

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

''(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

''(2) SUBMITTAL OF INFORMATION.—''.

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking ''The authority'' and all that follows through ''Congress concerning'' and inserting the following: ''Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on''.

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking ''SUNSET AND REPORTS'' and inserting ''REPORT''.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking ''In this section, the term—'' and inserting ''In this section:'';

(B) in paragraph (1)—

(i) by inserting ''The term'' before '''firefighter' has''; and

(ii) by striking ''; and'' and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

''(2) The terms 'Administrator of FEMA', 'career fire department', 'combination fire department', and 'volunteer fire department' have the meanings given such terms in section 33(a).''.

(2) CONFORMING AMENDMENT.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking ''career, volunteer, and combination fire departments'' and inserting ''career fire departments, combination fire departments, and volunteer fire departments''.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(8) $750,000,000 for fiscal year 2013; and

''(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

''(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).''.

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking ''There are'' and inserting the following:

''(1) IN GENERAL.—There are''; and

(D) by adding at the end the following:

''(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.''.

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

''(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).''.

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking ''Administrator'' each place it appears and inserting ''Administrator of FEMA''.

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking ''**EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM**'' and inserting the following: ''staffing for adequate fire and emergency response''.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

''(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.''.

SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.

(a) IN GENERAL.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this title.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the effect of the amendments made by sections 1803 and 1804 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 1803 and

1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Fire Administration.

(2) CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.—The terms ''career fire department'', ''combination fire department'', and ''volunteer fire department'' have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) FIRE SERVICE.—The term ''fire service'' has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(b) STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.—

(1) STUDY.—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) SURVEY.—

(A) IN GENERAL.—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) ELEMENTS.—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) REPORT ON FINDINGS OF STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(c) TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the ''Task Force to Enhance Firefighter Safety'' (in this subsection referred to as the ''Task Force'').

(2) MEMBERSHIP.—

(A) IN GENERAL.—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.—

(1) STUDY.—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) REPORT.—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section—

(1) $600,000 for fiscal year 2013; and

(2) $600,000 for fiscal year 2014.

Subtitle B—Reauthorization of United States Fire Administration

SEC. 1811. SHORT TITLE.

This subtitle may be cited as the ''United States Fire Administration Reauthorization Act of 2012''.

SEC. 1812. CLARIFICATION OF RELATIONSHIP BETWEEN UNITED STATES FIRE ADMINISTRATION AND FEDERAL EMERGENCY MANAGEMENT AGENCY.

Section 5(c) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204) is amended to read as follows:

''(c) DEPUTY ADMINISTRATOR.—The Administrator may appoint a Deputy Administrator, who shall—

''(1) perform such functions as the Administrator shall from time to time assign or delegate; and

''(2) act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.''.

SEC. 1813. MODIFICATION OF AUTHORITY OF ADMINISTRATOR TO EDUCATE PUBLIC ABOUT FIRE AND FIRE PREVENTION.

Section 6 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2205) is amended by striking ''to take all steps'' and all that follows through ''fire and fire prevention.'' and inserting ''to take such steps as the Administrator considers appropriate to educate the public and overcome public indifference as to fire, fire prevention, and individual preparedness.''.

SEC. 1814. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (G), by striking ''and'' at the end;

(2) in subparagraph (H), by striking the period at the end and inserting a semicolon;

(3) by adding after subparagraph (H) the following:

''(I) $76,490,890 for fiscal year 2013, of which $2,753,672 shall be used to carry out section 8(f);

''(J) $76,490,890 for fiscal year 2014, of which $2,753,672 shall be used to carry out section 8(f);

''(K) $76,490,890 for fiscal year 2015, of which $2,753,672 shall be used to carry out section 8(f);

''(L) $76,490,890 for fiscal year 2016, of which $2,753,672 shall be used to carry out section 8(f); and

''(M) $76,490,890 for fiscal year 2017, of which $2,753,672 shall be used to carry out section 8(f).''; and

(4) in subparagraphs (E) through (H), by moving each margin 2 ems to the left.

SEC. 1815. REMOVAL OF LIMITATION.

Section 9(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208(d)) is amended—

(1) by striking ''UPDATE.—'' and all that follows through ''The Administrator'' and inserting ''UPDATE.—The Administrator''; and

(2) by striking paragraph (2).

SA 3078. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of section 912 of subtitle B of title IX of division A, add the following:

(c) EXTENSION OF CERTAIN SPACE LAUNCH LIABILITY PROVISIONS.—Section 50915(f) of title 51, United States Code, is amended by striking ''December 31, 2012'' and inserting ''December 31, 2014''.

(d) EXTENSION OF CERTAIN INTERNATIONAL SPACE COOPERATION PROVISIONS.—Section 7(1)(B) of Public Law 106—178 (50 U.S.C. 1701 note) is amended by striking ''prior to July 1, 2016'' and inserting ''prior to December 31, 2020''.

(e) LEVEL OF EFFORT ASSURANCE.—

(1) IN GENERAL.—To ensure sufficient resources for the development of Federal and commercial launch capabilities under titles III and IV of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.; 124 Stat. 2805), for fiscal years 2014 and 2015 the proportionate funding levels for the Space Launch System, the Multi-Purpose Crew Vehicle, known as Orion, and related Ground Systems and technology developments, shall be no less than the proportion as provided in the aggregate within the Exploration account for fiscal year 2013.

(2) EXCEPTION.—Paragraph (1) shall not apply if the amounts provided for the activities under paragraph (1) for fiscal year 2014 or fiscal year 2015 are equal to or greater than the aggregate amounts provided for each of those activities for fiscal year 2012 or 2013, whichever is greater, by an Act of Congress.

SA 3079. Mr. GRASSLEY (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REMOVAL OF ACTION.

Section 1442 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) Solely for purposes of determining the propriety of removal under subsection (a), a law enforcement officer, who is the defendant in a criminal prosecution, shall be deemed to have been acting under the color of his office if the officer—

''(1) protected an individual in the presence of the officer from a crime of violence;

''(2) provided immediate assistance to an individual who suffered, or who was threatened with, bodily harm; or

''(3) prevented the escape of any individual who the officer reasonably believed to have committed, or was about to commit, in the presence of the officer, a crime of violence that resulted in, or was likely to result in, death or serious bodily injury.

''(d) In this section, the following definitions apply:

''(1) The terms 'civil action' and 'criminal prosecution' include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.

''(2) The term 'crime of violence' has the meaning given that term in section 16 of title 18.

''(3) The term 'law enforcement officer' means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5 and any special agent in the Diplomatic Security Service of the Department of State.

''(4) The term 'serious bodily injury' has the meaning given that term in section 1365 of title 18.

''(5) The term 'State' includes the District of Columbia, United States territories and insular possessions, and Indian country (as defined in section 1151 of title 18).

''(6) The term 'State court' includes the Superior Court of the District of Columbia, a court of a United States territory or insular possession, and a tribal court.''.

SA 3080. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1064. REPORT ON CAPABILITIES TO RESPOND TO THREATS POSED TO DEPLOYED UNITED STATES FORCES AND INSTALLATIONS BY CRUISE MISSILES, AIRCRAFT, TACTICAL BALLISTIC MISSILES, ROCKETS, AND OTHER SURFACE MOVING TARGETS.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the capabilities of the Armed Forces to respond to threats posed to deployed United States forces and installations by cruise missiles, aircraft (including unmanned aerial vehicles), tactical ballistic missiles, large caliber rockets, and other surface moving targets.

(b) ELEMENTS.—The report shall include the following:

(1) A summary of the current unmet requirements of the combatant commands to respond to the threats described in subsection (a).

(2) A plan that, if implemented, would address current unmet requirements summarized under paragraph (1), including by—

(A) expeditiously addressing any gaps between the requirements summarized under paragraph (1) and current capabilities to meet such requirements; and

(B) ensuring that the capabilities of the Armed Forces keep abreast of such threats in the future, including through—

(i) the development and deployment of persistent surveillance and tracking systems that rapidly share fire control data to extend the effective engagement ranges of various platforms;

(ii) the integration of such systems into current and future strategic plans for the defense of forward deployed United States forces; and

(iii) the use of cost assessments by the Office of Cost Assessment and Program Evaluation to obtain comparative assessments of the costs of existing capabilities with the costs of systems in development and time to field.

(c) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SA 3081. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. PRIVATE RIGHT OF ACTION UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–4) is amended by striking subsection (b) and inserting the following:

''(b) PRIVATE RIGHT OF ACTION.—A person who is aggrieved by a violation of this Act may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this Act.

''(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney's fees, including litigation expenses, and costs.

''(d) REPORTS TO CONGRESS.—

''(1) ANNUAL REPORT.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought by the Attorney General under subsection (a) during the preceding year or any civil action brought by a private party under subsection (b) in which the Attorney General intervened.

''(2) REPORT ON ENFORCEMENT.—Not later than July 1 of each year in which a general election for Federal office is scheduled, the Attorney General shall submit to Congress a report on the number of attorneys and other staff within the Department of Justice assigned to enforce the Uniformed and Overseas Citizen Absentee Voting Act, as well as the Attorney General's plan to detect noncompliance by State and local election officials with the requirements of the law.''.

SA 3082. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VI, add the following:

SEC. 662. REPORT ON ISSUANCE BY ARMED FORCES MEDICAL EXAMINER OF DEATH CERTIFICATES FOR MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY ABROAD.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the issuance by the Armed Forces Medical Examiner of death certificates for members of the Armed Forces who die on active duty abroad, including mechanisms for reducing or ameliorating delays in the issuance of such death certificates.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the process used by the Armed Forces Medical Examiner to issue a death certificate for members of the Armed Forces who die on active duty abroad, including an explanation for any current delays in the issuance of such death certificates.

(2) A description of the average amount of time taken by the Armed Forces Medical Examiner to issue such death certificates.

(3) An assessment of the feasibility and advisability of issuing temporary death certificates for members of the Armed Forces who die on active duty abroad in order to provide necessary documentation for survivors.

(4) A description of the actions required to enable the Armed Forces Medical Examiner to issue a death certificate for a member of the Armed Forces who dies on active duty abroad not later than seven days after the return of the remains of the member to the United States.

(5) Such other recommendations for legislative or administrative action as the Secretary considers appropriate to provide for the issuance by the Armed Forces Medical Examiner of a death certificate for members of the Armed Forces who die on active duty abroad not later than seven days after the return of the remains of such members to the United States.

SA 3083. Mr. BARRASSO (for himself, Mr. HOEVEN, Mr. ENZI, Mr. TESTER, and Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 238. READINESS AND FLEXIBILITY OF INTERCONTINENTAL BALLISTIC MISSILE FORCE.

The Secretary of Defense may, in a manner consistent with the obligations of the United States under international agreements—

(1) retain intercontinental ballistic missile launch facilities currently supporting deployed strategic nuclear delivery vehicles within the limit of 800 deployed and non-deployed strategic launchers;

(2) maintain intercontinental ballistic missiles on alert or operationally deployed status; and

(3) preserve intercontinental ballistic missile silos in operational or warm status.

SA 3084. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. RENEWAL OF EXPIRED PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) CODIFICATION OF PROHIBITION.—Section 2572 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) Except as provided in paragraph (3), and notwithstanding this section or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government.

''(2) In this subsection:

''(A) The term 'entity controlled by a foreign government' has the meaning given that term in section 2536(c)(1) of this title.

''(B) The term 'veterans memorial object' means any object, including a physical structure or portion thereof, that—

''(i) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

''(ii) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the armed forces; and

''(iii) was brought to the United States from abroad as a memorial of combat abroad.''.

(b) REPEAL OF OBSOLETE SOURCE LAW.—Section 1051 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 2572 note) is repealed.

SA 3085. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

On page 306, between lines 2 and 3, insert the following:

(3) ADDITIONAL ELEMENTS.—In developing the plan required by paragraph (1), the Secretary shall also—

(A) identify targets for the number of personnel to be reassigned to tasks related to offensive cyber operations, and the rate at which such personnel shall be added to the workforce for such tasks; and

(B) identify targets for use of National Guard personnel to support cyber workforce rationalization and the actions taken under subsection (a).

SA 3086. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

SEC. 1711. AIR FORCE ASSESSMENTS OF THE EFFECTS OF PROPOSED MOVEMENTS OF AIRFRAMES ON JOINT READINESS TRAINING.

The Secretary of the Air Force shall—

(1) undertake an assessment of the effects of currently-proposed movements of Air Force airframes on Green Flag East and Green Flag West joint readiness training; and

(2) if the Secretary determines it appropriate, submit to the congressional defense committees a report setting forth a proposal to make future replacements of capabilities for purposes of augmenting training at the joint readiness training center (JRTC) or for such other purposes as the Secretary considers appropriate.

SA 3087. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1064. REPORT ON PLANNED EFFICIENCY INITIATIVES AT SPACE AND NAVAL WARFARE SYSTEMS COMMAND.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on plans to implement efficiency initiatives to reduce overhead costs at the Space and Naval Warfare Systems Command (SPAWAR), including a detailed description of the long-term impacts on current and planned future mission requirements.

(b) PROHIBITION ON ACCOUNT ADJUSTMENTS.—The Secretary of the Navy may not make adjustments in relation to Commander Navy Installations Command, Naval Warfare Systems Center Atlantic accounts until the Secretary submits the report required under subsection (a).

SA 3088. Mr. CASEY (for himself, Mrs. HUTCHISON, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. MURKOWSKI, Ms. SNOWE, Mr. LAUTENBERG, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1246. STRATEGY FOR PROMOTING THE SECURITY OF AFGHAN WOMEN AND GIRLS DURING THE SECURITY TRANSITION PROCESS.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Department of Defense's April 2012 Report on Progress Toward Security and Stability in Afghanistan:

(A) ''U.S. and coalition forces will continue to degrade the Taliban-led insurgency in

order to provide time and space to increase the capacity of the Afghan National Security Forces and the Afghan Government so they can assume full responsibility for Afghanistan's security by the end of 2014.''

(B) ''Transition to Afghan security lead began in July 2011 and transition to full Afghan security responsibility will be complete country-wide by the end of 2014.''

(C) ''The security of the Afghan people and the stability of the government are used to judge provincial readiness to move to each successive stage of transition implementation.''

(D) For each area designated for transition, a transition implementation plan is developed by the Government of Afghanistan, NATO, and ISAF and approved by the Joint Afghan-NATO Inteqal Board (JANIB). JANIB is also responsible for recommending areas to enter and exit the transition process.

(2) According to a 2002 study on Women, Peace and Security submitted by the Secretary-General of the United Nations pursuant to Security Council resolution 1325 (2000), ''the suspension of or restriction on women's enjoyment of their human rights'' can act as an early-warning indicator of impending or renewed conflict. In Afghanistan, restrictions on women's mobility and rights can signal the presence of extremist or insurgent elements in a community.

(3) The security of Afghan women and girls in areas undergoing security transitions will be an important gauge of the transition strategy's success. Indicators by which to measure women's security include the mobility of women and girls, the participation of women in local government bodies, the rate of school attendance for girls, women's access to government services, and the prevalence of violence against women.

(4) Maintaining and improving physical security for Afghan women and girls throughout the country is critical in order for women and girls to take advantage of opportunities in education, commerce, politics, and other areas of public life, which in turn is essential for the future stability and prosperity of Afghanistan.

(5) Women who serve as public officials at all levels of the Government of Afghanistan face serious threats to their personal security and that of their families. Many female officials have been the victims of violent crimes, but they are generally not afforded official protection by the Government of Afghanistan or security forces.

(6) Protecting the security and human rights of Afghan women and girls requires the involvement of Afghan men and boys through education about the important benefits of women's full participation in social, economic, and political life. Male officials and security personnel can play a particularly important role in supporting and protecting women and girls.

(7) The Chicago Summit Declaration issued by NATO in May 2012 states: ''As the Afghan National Police further develop and professionalize, they will evolve towards a sustainable, credible, and accountable civilian law enforcement force that will shoulder the main responsibility for domestic security. This force should be capable of providing policing services to the Afghan population as part of the broader Afghan rule of law system.''

(8) Women face significant barriers to full participation in the ANA and ANP, including a discriminatory or hostile work environment and the lack of separate facilities designed for female personnel.

(9) As of September 2012, female recruitment and retention rates for the Afghan National Security Forces are far below published targets, as follows:

(A) Approximately 1,700 women serve in the Afghan National Security Forces, or less than half of one percent of the total force.

(B) In 2010, President Hamid Karzai announced plans to recruit and train 5,000 women in the Afghan National Police, or approximately 3 percent of the force, by 2014. Currently, there are approximately 1,370 women in the ANP, or 0.87 percent of the police force.

(C) Approximately 350 women currently serve in the Afghan National Army, representing only 0.17 percent of the force. The Government of Afghanistan has said that its goal is to achieve a force that is 10 percent female. As of May 2012, approximately 3 percent of new ANA recruits were women.

(10) Male security personnel often do not respond to threats or incidences of violence against women, particularly at the local level. They largely lack the training and understanding needed to respond appropriately and effectively to situations involving women. According to the Department of Defense's April 2012 Report on Progress Toward Security and Stability in Afghanistan:

(A) The Afghan Ministry of Defense ''lacks the combination of policies, procedures, and execution to promote opportunity and fair and respectful treatment of women in the force''.

(B) The Afghan Ministry of Interior ''faces significant challenges in fully integrating and protecting women in the ANP workforce, especially among operational units at the provincial and district levels''.

(C) In the Afghan National Police, ''Many Provincial Headquarters Commanders do not accept policewomen, as they prefer male candidates and lack adequate facilities to support females.''

(D) ''While women are greatly needed to support police operations, a combination of cultural impediments, weak recruitment, and uneven application of policies hinder significant progress.''

(E) ''Although stronger documentation, implementation, and enforcement of policies, procedures, and guidance to better integrate women will help, time will be needed to change the cultural mores that form the basis of many of the current impediments.''

(11) The United States, the North American Treaty Organization, and United States coalition partners have made firm commitments to support the human rights of the women and girls of Afghanistan, as evidenced by the following actions:

(A) According to the United States National Action Plan on Women, Peace and Security, ''integrating women and gender considerations into peace-building processes helps promote democratic governance and long-term stability,'' which are key United States strategic goals in Afghanistan.

(B) The National Action Plan also states that ''the engagement and protection of women as agents of peace and stability will be central to United States efforts to promote security, prevent, respond to, and resolve conflict, and rebuild societies.'' This policy applies to United States Government efforts in Afghanistan, where addressing the security vulnerabilities of Afghan women and girls during the period of security transition is an essential step toward long-term stability.

(C) The Chicago Summit Declaration issued by NATO in May 2012 states: ''We emphasize the importance of full participation of all Afghan women in the reconstruction, political, peace and reconciliation processes in Afghanistan and the need to respect the institutional arrangements protecting their rights. We remain committed to the implementation of United Nations Security Council Resolution (UNSCR) 1325 on women, peace and security. We recognize also the need for the protection of children from the damaging effects of armed conflict as required in relevant UNSCRs.''

(12) The Strategic Partnership Agreement signed between the United States and Afghanistan by President Obama and President Karzai in June 2012 states, ''Consistent with its Constitution and international obligations, Afghanistan shall ensure and advance the essential role of women in society, so that they may fully enjoy their economic, social, political, civil and cultural rights.''

(b) STRATEGY TO PROMOTE SECURITY OF AFGHAN WOMEN.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in concurrence with the Secretary of State, shall submit to the appropriate congressional committees a strategy to be implemented by the Department of Defense, working with the NATO Training Mission Afghanistan (NTM-A) and Afghan partners, to promote the security of Afghan women during the security transition process.

(2) ELEMENTS.—The strategy required under paragraph (1) shall include the following elements:

(A) A strategy to monitor and respond to changes in women's security conditions in areas undergoing transition, including the following actions:

(i) Seeking to designate a Civilian Impact Advisor on the Joint Afghan-NATO Inteqal Board (JANIB) to assess the impact of transition on male and female civilians and ensure that efforts to protect women's rights and security are included in each area's transition implementation plan.

(ii) Reviewing existing indicators against which sex-disaggregated data is collected and, if necessary, developing additional indicators, to ensure the availability of data that can be used to measure women's security, such as—

(I) the mobility of women and girls;

(II) the participation of women in local government bodies;

(III) the rate of school attendance for girls;

(IV) women's access to government services; and

(V) the prevalence of violence against women; and incorporating those indicators into ongoing efforts to assess overall security conditions during the transition period.

(iii) Integrating assessments of women's security into current procedures used to determine an area's readiness to proceed through the transition process.

(iv) Working with Afghan partners, coalition partners, and relevant United States Government departments and agencies to take concrete action to support women's rights and security in cases of deterioration in women's security conditions during the transition period.

(B) A strategy to increase gender awareness and responsiveness among Afghan National Army and Afghan National Police personnel, including the following actions:

(i) Working with Afghan and coalition partners to utilize training curricula and programming that addresses the human rights of women and girls, appropriate responses to threats against women and girls, and appropriate behavior toward female colleagues and members of the community; assessing the quality and consistency of this training across regional commands; and assessing the impact of this training on trainee behavior.

(ii) Working with national and local ANA and ANP leaders to develop and utilize enforcement and accountability mechanisms for ANA and ANP personnel who violate codes of conduct related to the human rights of women and girls.

(iii) Working with Afghan and coalition partners to implement the above tools and develop uniform methods and standards for training and enforcement among coalition partners and across regions.

(C) A strategy to increase the number of female members of the ANA and ANP, including the following actions:

(i) Providing, through consultation with Afghan partners, realistic and achievable objectives for the recruitment and retention of women to the ANA and ANP by the end of the security transition period in 2014.

(ii) Working with national and local ANA and ANP leaders and coalition partners to address physical and cultural challenges to the recruitment and retention of female ANA and ANP personnel, including through targeted recruitment campaigns, expanded training and mentorship opportunities, parity in pay and promotion rates with male counterparts, and availability of facilities for female personnel.

(iii) Working with national and local ANA and ANP leaders to increase understanding about the unique ways in which women members of the security forces improve the force's overall effectiveness.

(iv) Working with national and local ANA and ANP leaders to develop a plan for maintaining and increasing the recruitment and retention of women in the ANA and ANP following the completion of the security transition.

(3) REPORT.—The Secretary of Defense shall include in each report on progress toward security and stability in Afghanistan that is submitted to Congress under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385, 390) a section describing actions taken to implement the strategy required under this subsection.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SA 3089. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVIII—FIRE GRANTS REAUTHORIZATION

SEC. 1801. SHORT TITLE.

This title may be cited as the ''Fire Grants Reauthorization Act of 2012''.

SEC. 1802. AMENDMENTS TO DEFINITIONS.

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting '', except as otherwise provided,'' after ''means'';

(2) in paragraph (4), by striking '' 'Director' means'' and all that follows through ''Agency;'' and inserting '' 'Administrator of FEMA' means the Administrator of the Federal Emergency Management Agency;'';

(3) in paragraph (5)—

(A) by inserting ''Indian tribe,'' after ''county,''; and

(B) by striking ''and 'firecontrol' '' and inserting ''and 'fire control' '';

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

''(6) 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and 'tribal' means of or pertaining to an Indian tribe;'';

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

''(9) 'Secretary' means, except as otherwise provided, the Secretary of Homeland Security;''; and

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

''(10) 'State' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).''.

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking ''Director'' each place it appears and inserting ''Administrator of FEMA''.

(2) ADMINISTRATOR OF FEMA'S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking ''Director's Award'' each place it appears and inserting ''Administrator's Award''.

SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

''SEC. 33. FIREFIGHTER ASSISTANCE.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR OF FEMA.—The term 'Administrator of FEMA' means the Administrator of FEMA, acting through the Administrator.

''(2) AVAILABLE GRANT FUNDS.—The term 'available grant funds', with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

''(3) CAREER FIRE DEPARTMENT.—The term 'career fire department' means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

''(4) COMBINATION FIRE DEPARTMENT.—The term 'combination fire department' means a fire department that has—

''(A) paid firefighting personnel; and

''(B) volunteer firefighting personnel.

''(5) FIREFIGHTING PERSONNEL.—The term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

''(6) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(7) NONAFFILIATED EMS ORGANIZATION.—The term 'nonaffiliated EMS organization' means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

''(8) PAID-ON-CALL.—The term 'paid-on-call' with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

''(9) VOLUNTEER FIRE DEPARTMENT.—The term 'volunteer fire department' means a fire department that has an all-volunteer force of firefighting personnel.

''(b) ASSISTANCE PROGRAM.—

''(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

''(A) assistance to firefighters grants under subsection (c); and

''(B) fire prevention and safety grants and other assistance under subsection (d).

''(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

''(A) establish specific criteria for the selection of grant recipients under this section; and

''(B) provide assistance with application preparation to applicants for such grants.

''(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

''(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

''(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

''(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

''(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

''(2) MAXIMUM GRANT AMOUNTS.—

''(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

''(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed $1,000,000 in any fiscal year.

''(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed $2,000,000 in any fiscal year.

''(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed $3,000,000 in any fiscal year.

''(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $6,000,000 for any fiscal year.

''(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $9,000,000 in any fiscal year.

''(B) AGGREGATE.—

''(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

''(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

''(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall

use the grant for one or more of the following purposes:

''(A) To train firefighting personnel in—

''(i) firefighting;

''(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

''(iii) arson prevention and detection;

''(iv) maritime firefighting; or

''(v) the handling of hazardous materials.

''(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

''(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

''(D) To certify—

''(i) fire inspectors; and

''(ii) building inspectors—

''(I) whose responsibilities include fire safety inspections; and

''(II) who are employed by or serving as volunteers with a fire department.

''(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

''(F) To fund emergency medical services provided by fire departments and nonaffiliated EMS organizations.

''(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

''(H) To acquire additional firefighting equipment, including equipment for—

''(i) fighting fires with foam in remote areas without access to water; and

''(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

''(I) To acquire personal protective equipment, including personal protective equipment—

''(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

''(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

''(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

''(K) To educate the public about arson prevention and detection.

''(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

''(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

''(d) FIRE PREVENTION AND SAFETY GRANTS.—

''(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

''(A) award grants to fire departments;

''(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

''(i) fire prevention programs; and

''(ii) research to improve firefighter health and life safety; and

''(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

''(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed $1,500,000 for a fiscal year.

''(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

''(A) To enforce fire codes and promote compliance with fire safety standards.

''(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

''(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

''(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

''(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

''(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

''(e) APPLICATIONS FOR GRANTS.—

''(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

''(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

''(A) A description of the financial need of the applicant for the grant.

''(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

''(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

''(D) A list of other sources of funding received by the applicant—

''(i) for the same purpose for which the application for a grant under this section was submitted; or

''(ii) from the Federal Government for other fire-related purposes.

''(E) Such other information as the Administrator of FEMA determines appropriate.

''(3) JOINT OR REGIONAL APPLICATIONS.—

''(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

''(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

''(C) GUIDANCE.—The Administrator of FEMA shall—

''(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

''(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

''(f) PEER REVIEW OF GRANT APPLICATIONS.—

''(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

''(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

''(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

''(1) The findings and recommendations of the peer reviews carried out under subsection (f).

''(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

''(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

''(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

''(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

''(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

''(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

''(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

''(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

''(5) not less than 10 percent are awarded under subsection (d); and

''(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

''(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

''(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

''(2) STATE FIRE TRAINING ACADEMIES.—

''(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

''(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds $1,000,000 in any fiscal year.

''(3) AMOUNTS FOR PURCHASING FIREFIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

''(j) FURTHER CONSIDERATIONS.—

''(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

''(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

''(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

''(i) Population served.

''(ii) Geographic response area.

''(iii) Hazards vulnerability.

''(iv) Call volume.

''(v) Financial situation, including unemployment rate of the area being served.

''(vi) Need for training or equipment.

''(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

''(3) AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

''(A) prevention of injuries to high risk groups from fire; and

''(B) research programs that demonstrate a potential to improve firefighter safety.

''(4) AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

''(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

''(i) select each grant recipient on—

''(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

''(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

''(III) the recipient's ability to disseminate the results of fire safety research; and

''(IV) the strategic plan the recipient proposes to carry out under the grant;

''(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

''(I) a national fire service organization or a national fire safety organization; and

''(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

''(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

''(B) RESEARCH NEEDS.—

''(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

''(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

''(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

''(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

''(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

''(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

''(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

''(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

''(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

''(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

''(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

''(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

''(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

''(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

''(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

''(4) WAIVER.—

''(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

''(B) GUIDELINES.—

''(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

''(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

''(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

''(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

''(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

''(I) Changes in rates of unemployment from previous years.

''(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

''(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

''(IV) Such other factors as the Administrator of FEMA considers appropriate.

''(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

''(i) is described in subsection (d)(1)(B); and

''(ii) is not a fire department or emergency medical services organization.

''(l) GRANT GUIDELINES.—

''(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

''(A) guidelines that describe—

''(i) the process for applying for grants under this section; and

''(ii) the criteria that will be used for selecting grant recipients; and

''(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

''(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

''(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

''(i) Criteria for the awarding of grants under this section.

''(ii) Administrative changes to the assistance program established under subsection (b).

''(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

''(i) is recognized for expertise in firefighting or emergency medical services;

''(ii) is not an employee of the Federal Government; and

''(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

''(I) providers of emergency medical services that are affiliated with fire departments; or

''(II) nonaffiliated EMS providers.

''(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

''(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

''(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

''(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA

an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

''(p) ENSURING EFFECTIVE USE OF GRANTS.—

''(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

''(A) the grant amounts are expended for the intended purposes; and

''(B) the grant recipient complies with the requirements of subsection (k).

''(2) PERFORMANCE ASSESSMENT.—

''(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

''(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

''(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

''(4) ANNUAL REPORTS TO CONGRESS.—

''(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

''(i) information on the performance assessment system developed under paragraph (2); and

''(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

''(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

''(q) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

''(A) $750,000,000 for fiscal year 2013; and

''(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

''(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

''(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

''(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

''(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

''(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.''.

SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

''(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.''.

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

''(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

''(i) 75 percent in the first year of the grant;

''(ii) 75 percent in the second year of the grant; and

''(iii) 35 percent in the third year of the grant.''.

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking ''organizations on a local or statewide basis'' and inserting ''national, State, local, or tribal organizations''.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

''(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

''(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

''(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

''(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.''.

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following:

''(d) WAIVERS.—

''(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

''(A) waive the requirements of subsection (c)(1); or

''(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

''(2) GUIDELINES.—

''(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

''(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

''(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

''(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

''(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

''(i) Changes in rates of unemployment from previous years.

''(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

''(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

''(iv) Such other factors as the Administrator of FEMA considers appropriate.''.

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

''(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

''(2) SUBMITTAL OF INFORMATION.—''.

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking ''The authority'' and all that follows through ''Congress concerning'' and inserting the following: ''Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on''.

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking ''SUNSET AND REPORTS'' and inserting ''REPORT''.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking ''In this section, the term—'' and inserting ''In this section:'';

(B) in paragraph (1)—

(i) by inserting ''The term'' before '''firefighter' has''; and

(ii) by striking ''; and'' and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

''(2) The terms 'Administrator of FEMA', 'career fire department', 'combination fire department', and 'volunteer fire department' have the meanings given such terms in section 33(a).''.

(2) CONFORMING AMENDMENT.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking ''career, volunteer, and combination fire departments'' and inserting ''career fire departments, combination fire departments, and volunteer fire departments''.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(8) $750,000,000 for fiscal year 2013; and

''(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

''(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).''.

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking ''There are'' and inserting the following:

''(1) IN GENERAL.—There are''; and

(D) by adding at the end the following:

''(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.''.

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

''(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).''.

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking ''Administrator'' each place it appears and inserting ''Administrator of FEMA''.

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking ''**EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM**'' and inserting the following: ''**STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE**''.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

''(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.''.

SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.

(a) IN GENERAL.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this title.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the effect of the amendments made by sections 1803 and 1804 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 1803 and 1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Fire Administration.

(2) CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.—The terms ''career fire department'', ''combination fire department'', and ''volunteer fire department'' have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) FIRE SERVICE.—The term ''fire service'' has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(b) STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.—

(1) STUDY.—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) SURVEY.—

(A) IN GENERAL.—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) ELEMENTS.—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) REPORT ON FINDINGS OF STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(c) TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the ''Task Force to Enhance Firefighter Safety'' (in this subsection referred to as the ''Task Force'').

(2) MEMBERSHIP.—

(A) IN GENERAL.—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.—

(1) STUDY.—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) REPORT.—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section—

(1) $600,000 for fiscal year 2013; and

(2) $600,000 for fiscal year 2014.

SA 3090. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVIII—FEDERAL ASSISTANCE TO FIRE DEPARTMENTS

Subtitle A—Fire Grants Reauthorization

SEC. 1801. SHORT TITLE.

This subtitle may be cited as the ''Fire Grants Reauthorization Act of 2012''.

SEC. 1802. AMENDMENTS TO DEFINITIONS.

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting '', except as otherwise provided,'' after ''means'';

(2) in paragraph (4), by striking '' 'Director' means'' and all that follows through ''Agency;'' and inserting '' 'Administrator of FEMA' means the Administrator of the Federal Emergency Management Agency;'';

(3) in paragraph (5)—

(A) by inserting ''Indian tribe,'' after ''county,''; and

(B) by striking ''and 'firecontrol' '' and inserting ''and 'fire control' '';

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

''(6) 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and 'tribal' means of or pertaining to an Indian tribe;'';

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

''(9) 'Secretary' means, except as otherwise provided, the Secretary of Homeland Security;''; and

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

''(10) 'State' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).''.

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking ''Director'' each place it appears and inserting ''Administrator of FEMA''.

(2) ADMINISTRATOR OF FEMA'S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking ''Director's Award'' each place it appears and inserting ''Administrator's Award''.

SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

''SEC. 33. FIREFIGHTER ASSISTANCE.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR OF FEMA.—The term 'Administrator of FEMA' means the Administrator of FEMA, acting through the Administrator.

''(2) AVAILABLE GRANT FUNDS.—The term 'available grant funds', with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

''(3) CAREER FIRE DEPARTMENT.—The term 'career fire department' means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

''(4) COMBINATION FIRE DEPARTMENT.—The term 'combination fire department' means a fire department that has—

''(A) paid firefighting personnel; and

''(B) volunteer firefighting personnel.

''(5) FIREFIGHTING PERSONNEL.—The term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

''(6) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(7) NONAFFILIATED EMS ORGANIZATION.—The term 'nonaffiliated EMS organization' means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

''(8) PAID-ON-CALL.—The term 'paid-on-call' with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

''(9) VOLUNTEER FIRE DEPARTMENT.—The term 'volunteer fire department' means a fire department that has an all-volunteer force of firefighting personnel.

''(b) ASSISTANCE PROGRAM.—

''(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

''(A) assistance to firefighters grants under subsection (c); and

''(B) fire prevention and safety grants and other assistance under subsection (d).

''(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

''(A) establish specific criteria for the selection of grant recipients under this section; and

''(B) provide assistance with application preparation to applicants for such grants.

''(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

''(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

''(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

''(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

''(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

''(2) MAXIMUM GRANT AMOUNTS.—

''(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

''(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed $1,000,000 in any fiscal year.

''(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed $2,000,000 in any fiscal year.

''(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed $3,000,000 in any fiscal year.

''(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $6,000,000 for any fiscal year.

''(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $9,000,000 in any fiscal year.

''(B) AGGREGATE.—

''(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

''(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

''(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

''(A) To train firefighting personnel in—

''(i) firefighting;

''(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

''(iii) arson prevention and detection;

''(iv) maritime firefighting; or

''(v) the handling of hazardous materials.

''(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

''(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

''(D) To certify—

''(i) fire inspectors; and

''(ii) building inspectors—

''(I) whose responsibilities include fire safety inspections; and

''(II) who are employed by or serving as volunteers with a fire department.

''(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

''(F) To fund emergency medical services provided by fire departments and nonaffiliated EMS organizations.

''(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

''(H) To acquire additional firefighting equipment, including equipment for—

''(i) fighting fires with foam in remote areas without access to water; and

''(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

''(I) To acquire personal protective equipment, including personal protective equipment—

''(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

''(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

''(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

''(K) To educate the public about arson prevention and detection.

''(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

''(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

''(d) FIRE PREVENTION AND SAFETY GRANTS.—

''(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

''(A) award grants to fire departments;

''(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

''(i) fire prevention programs; and

''(ii) research to improve firefighter health and life safety; and

''(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

''(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed $1,500,000 for a fiscal year.

''(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

''(A) To enforce fire codes and promote compliance with fire safety standards.

''(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

''(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

''(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

''(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

''(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

''(e) APPLICATIONS FOR GRANTS.—

''(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

''(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

''(A) A description of the financial need of the applicant for the grant.

''(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

''(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

''(D) A list of other sources of funding received by the applicant—

''(i) for the same purpose for which the application for a grant under this section was submitted; or

''(ii) from the Federal Government for other fire-related purposes.

''(E) Such other information as the Administrator of FEMA determines appropriate.

''(3) JOINT OR REGIONAL APPLICATIONS.—

''(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

''(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

''(C) GUIDANCE.—The Administrator of FEMA shall—

''(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

''(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

''(f) PEER REVIEW OF GRANT APPLICATIONS.—

''(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

''(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

''(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

''(1) The findings and recommendations of the peer reviews carried out under subsection (f).

''(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

''(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

''(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

''(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

''(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

''(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

''(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

''(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

''(5) not less than 10 percent are awarded under subsection (d); and

''(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

''(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

''(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

''(2) STATE FIRE TRAINING ACADEMIES.—

''(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

''(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds $1,000,000 in any fiscal year.

''(3) AMOUNTS FOR PURCHASING FIREFIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

''(j) FURTHER CONSIDERATIONS.—

''(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

''(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

''(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

''(i) Population served.

''(ii) Geographic response area.

''(iii) Hazards vulnerability.

''(iv) Call volume.

''(v) Financial situation, including unemployment rate of the area being served.

''(vi) Need for training or equipment.

''(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

''(3) AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

''(A) prevention of injuries to high risk groups from fire; and

''(B) research programs that demonstrate a potential to improve firefighter safety.

''(4) AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

''(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

''(i) select each grant recipient on—

''(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

''(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

''(III) the recipient's ability to disseminate the results of fire safety research; and

''(IV) the strategic plan the recipient proposes to carry out under the grant;

''(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

''(I) a national fire service organization or a national fire safety organization; and

''(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

''(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

''(B) RESEARCH NEEDS.—

''(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

''(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

''(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

''(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

''(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

''(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

''(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

''(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

''(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

''(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

''(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

''(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

''(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

''(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

''(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

''(4) WAIVER.—

''(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

''(B) GUIDELINES.—

''(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

''(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

''(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

''(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

''(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

''(I) Changes in rates of unemployment from previous years.

''(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

''(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

''(IV) Such other factors as the Administrator of FEMA considers appropriate.

''(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

''(i) is described in subsection (d)(1)(B); and

''(ii) is not a fire department or emergency medical services organization.

''(l) GRANT GUIDELINES.—

''(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

''(A) guidelines that describe—

''(i) the process for applying for grants under this section; and

''(ii) the criteria that will be used for selecting grant recipients; and

''(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

''(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

''(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

''(i) Criteria for the awarding of grants under this section.

''(ii) Administrative changes to the assistance program established under subsection (b).

''(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

''(i) is recognized for expertise in firefighting or emergency medical services;

''(ii) is not an employee of the Federal Government; and

''(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

''(I) providers of emergency medical services that are affiliated with fire departments; or

''(II) nonaffiliated EMS providers.

''(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

''(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

''(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

''(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

''(p) ENSURING EFFECTIVE USE OF GRANTS.—

''(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

''(A) the grant amounts are expended for the intended purposes; and

''(B) the grant recipient complies with the requirements of subsection (k).

''(2) PERFORMANCE ASSESSMENT.—

''(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

''(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

''(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

''(4) ANNUAL REPORTS TO CONGRESS.—

''(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

''(i) information on the performance assessment system developed under paragraph (2); and

''(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

''(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

''(q) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

''(A) $750,000,000 for fiscal year 2013; and

''(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

''(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

''(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

''(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

''(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

''(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.''.

SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

''(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.''.

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

''(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

''(i) 75 percent in the first year of the grant;

''(ii) 75 percent in the second year of the grant; and

''(iii) 35 percent in the third year of the grant.''.

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking ''organizations on a local or statewide basis'' and inserting ''national, State, local, or tribal organizations''.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

''(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

''(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

''(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

''(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.''.

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following:

''(d) WAIVERS.—

''(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

''(A) waive the requirements of subsection (c)(1); or

''(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

''(2) GUIDELINES.—

''(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

''(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

''(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

''(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

''(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

''(i) Changes in rates of unemployment from previous years.

''(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

''(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

''(iv) Such other factors as the Administrator of FEMA considers appropriate.''.

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

''(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

''(2) SUBMITTAL OF INFORMATION.—''.

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking ''The authority'' and all that follows through ''Congress concerning'' and inserting the following: ''Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on''.

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking ''SUNSET AND REPORTS'' and inserting ''REPORT''.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking ''In this section, the term—'' and inserting ''In this section:'';

(B) in paragraph (1)—

(i) by inserting ''The term'' before ''‘firefighter’ has''; and

(ii) by striking ''; and'' and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

''(2) The terms ‘Administrator of FEMA’, ‘career fire department’, ‘combination fire department’, and ‘volunteer fire department’ have the meanings given such terms in section 33(a).''.

(2) CONFORMING AMENDMENT.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking ''career, volunteer, and combination fire departments'' and inserting ''career fire departments, combination fire departments, and volunteer fire departments''.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(8) $750,000,000 for fiscal year 2013; and

''(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

''(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).''.

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking ''There are'' and inserting the following:

''(1) IN GENERAL.—There are''; and

(D) by adding at the end the following:

''(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.''.

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

''(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).''.

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking ''Administrator'' each place it appears and inserting ''Administrator of FEMA''.

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking ''expansion of pre-september 11, 2001, fire grant program'' and inserting the following: ''staffing for adequate fire and emergency response''.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

''(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.''.

SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.

(a) IN GENERAL.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this title.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the effect of the amendments made by sections 1803 and 1804 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 1803 and 1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Fire Administration.

(2) CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.—The terms ''career fire department'', ''combination fire department'', and ''volunteer fire department'' have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) FIRE SERVICE.—The term ''fire service'' has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(b) STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.—

(1) STUDY.—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) SURVEY.—

(A) IN GENERAL.—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) ELEMENTS.—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) REPORT ON FINDINGS OF STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(c) TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the ''Task Force to Enhance Firefighter Safety'' (in this subsection referred to as the ''Task Force'').

(2) MEMBERSHIP.—

(A) IN GENERAL.—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.—

(1) STUDY.—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) REPORT.—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section—

(1) $600,000 for fiscal year 2013; and

(2) $600,000 for fiscal year 2014.

Subtitle B—Reauthorization of United States Fire Administration

SEC. 1811. SHORT TITLE.

This subtitle may be cited as the ''United States Fire Administration Reauthorization Act of 2012''.

SEC. 1812. CLARIFICATION OF RELATIONSHIP BETWEEN UNITED STATES FIRE ADMINISTRATION AND FEDERAL EMERGENCY MANAGEMENT AGENCY.

Section 5(c) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204) is amended to read as follows:

''(c) DEPUTY ADMINISTRATOR.—The Administrator may appoint a Deputy Administrator, who shall—

''(1) perform such functions as the Administrator shall from time to time assign or delegate; and

''(2) act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.''.

SEC. 1813. MODIFICATION OF AUTHORITY OF ADMINISTRATOR TO EDUCATE PUBLIC ABOUT FIRE AND FIRE PREVENTION.

Section 6 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2205) is amended by striking ''to take all steps'' and all that follows through ''fire and fire prevention.'' and inserting ''to take such steps as the Administrator considers appropriate to educate the public and overcome public indifference as to fire, fire prevention, and individual preparedness.''.

SEC. 1814. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (G), by striking ''and'' at the end;

(2) in subparagraph (H), by striking the period at the end and inserting a semicolon;

(3) by adding after subparagraph (H) the following:

''(I) $76,490,890 for fiscal year 2013, of which $2,753,672 shall be used to carry out section 8(f);

''(J) $76,490,890 for fiscal year 2014, of which $2,753,672 shall be used to carry out section 8(f);

''(K) $76,490,890 for fiscal year 2015, of which $2,753,672 shall be used to carry out section 8(f);

''(L) $76,490,890 for fiscal year 2016, of which $2,753,672 shall be used to carry out section 8(f); and

''(M) $76,490,890 for fiscal year 2017, of which $2,753,672 shall be used to carry out section 8(f).''; and

(4) in subparagraphs (E) through (H), by moving each margin 2 ems to the left.

SEC. 1815. REMOVAL OF LIMITATION.

Section 9(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208(d)) is amended—

(1) by striking ''UPDATE.—'' and all that follows through ''The Administrator'' and inserting ''UPDATE.—The Administrator''; and

(2) by striking paragraph (2).

SA 3091. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 132. SPIDERNET/SPECTRAL WARRIOR HARDWARE.

(a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, NAVY.—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by $2,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for other procurement, Navy, Satellite Communications, line 085, Satellite Communications Systems, as specified in the funding table in section 4101.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure SPIDERNet/Spectral Warrior Hardware and installation in order to provide a cloud network for Spectral Warrior terminals in support of requirements of the commanders of the combatant commands.

At the end of subtitle E of title I, add the following:

SEC. 154. AC–130 AIRCRAFT ELECTRO-OPTICAL AND INFRARED SENSORS.

(a) ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by $6,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for procurement, Defense-wide, other procurement programs, line 079, Combat mission requirements, as specified in the funding table in section 4101.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure color electro-optical and infrared imaging sensors for AC–130 aircraft used by the United States Special Operations Command in ongoing contingency operations.

At the end of subtitle B of title II, add the following:

SEC. 216. RELOCATION OF C–BAND RADAR FROM ANTIGUA TO H.E. HOLT STATION IN WESTERN AUSTRALIA TO ENHANCE SPACE SITUATIONAL AWARENESS CAPABILITIES.

To the extent provided in appropriations Acts, of the amounts authorized to be appropriated for fiscal year 2013 by section 201 and available for research, development, test, and evaluation for Space Situation Awareness Systems (PE 0604425F) for System Development and Demonstration as specified in the funding table in section 4201, $3,000,000 may be obligated and expended for a new program for the relocation and research and development activities to enhance Space Situational Awareness capabilities through—

(1) the repurposing of the C–Band Radar at Antigua;

(2) the relocation of that radar to the H.E. Holt Station in Western Australia;

(3) upgrades of the hardware and software of that radar to meet Space Situational Awareness mission needs;

(4) operational testing of that radar; and

(5) transfer of jurisdiction of that radar to the Air Force Space Command for operations and sustainment by September 30, 2016.

SEC. 217. DETAILED DIGITAL RADIO FREQUENCY MODULATION COUNTERMEASURES STUDIES AND SIMULATIONS.

(a) ADDITIONAL AMOUNT FOR RDT&E, ARMY.—The amount authorized to be appropriated for fiscal year 2013 by section 201 is hereby increased by $38,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for research, development, test, and evaluation, Army, for system development and demonstration (PE 0605457A) Army Integrated Air and Missile Defense (AIAMD), as specified in the funding table in section 4201.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to conduct detailed digital radio frequency modulation (DRFM) countermeasures studies and simulations to develop algorithms to address this threat change in support of the accelerated fielding of a new capability in Patriot, Sentinel, and Integrated Air and Missile Defense (IAMD) for the requirements of the commanders of the combatant commands.

At the end of subtitle A of title X, add the following:

SEC. 1005. TRANSFER OF CERTAIN FISCAL YEAR 2012 AND 2013 FUNDS.

(a) TRANSFER AUTHORIZED.—To the extent provided in appropriations Acts, the Secretary of Defense may transfer from fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts an aggregate of $46,000,000 to be available for the additional authorizations in sections 132, 154, and 217.

(b) COVERED FUNDS.—In subsection (a), the term ''fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts'' means—

(1) amounts authorized to be appropriated for fiscal year 2012 by sections 101 and 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) and available as specified in the funding tables in sections 4101 and 4201 of that Act; and

(2) amounts authorized to be appropriated for fiscal year 2013 by sections 101 and 201 of this Act and available as specified in the funding tables in sections 4101 and 4201 of this Act.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to change the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

SA 3092. Mr. RISCH submitted an amendment intended to be proposed by

him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1064. REPORT ON MILITARY ASSETS IN PROXIMITY OF BENGHAZI, LIBYA, ON SEPTEMBER 11, 2011.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report outlining all United States and North Atlantic Treaty Organization (NATO) military armed and unarmed assets within 7 hours travel time of Benghazi, Libya, on September 11, 2012, that could have arrived within 7 hours of notification.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees;

(2) the Committee on Foreign Relations and the Committee on Intelligence of the Senate; and

(3) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 3093. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1233. REPORT ON INDIVIDUALS DETAINED BY FOREIGN COUNTRIES WITH INFORMATION USEFUL TO INVESTIGATION OF TERRORIST ATTACKS ON UNITED STATES INTERESTS IN BENGHAZI, LIBYA.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 15 days and 180 days after the date of the enactment of this Act, the Attorney General and the Secretary of State shall jointly submit to Congress a report listing individuals currently in the custody of another country who would be useful for the Federal Bureau of Investigations to interview, or whom the Federal Bureau of Investigations has already interviewed, in conjunction with its investigation into the September 11, 2012, terrorist attacks on United States interests in Benghazi, Libya.

(2) CONTENT.—The report required under paragraph (1) shall include, at a minimum, the following elements:

(A) A list—

(i) including the name of each individual;

(ii) indicating the country where he or she is being detained; and

(iii) describing whether that country has granted the Federal Bureau of Investigations access to interview the individual, and describing the access provided.

(B) An addendum prepared by the Secretary of State detailing if the Department of State considers the countries detaining the individuals listed under subparagraph (A) as fully cooperating with United States antiterrorism efforts.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) any country that fails to allow immediate and full access to the Federal Bureau of Investigations to interview the individuals listed in the report submitted under subsection (a) does not meet the threshold of fully cooperating with United States antiterrorism efforts; and

(2) the Secretary of State shall weigh this factor heavily when determining for purposes of section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) whether a country has repeatedly provided support for acts of international terrorism and is prohibited from certain arms transactions.

SA 3094. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

Strike section 3114 and insert the following:

SEC. 3114. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—Title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2562 et seq.) is amended by adding at the end the following new section:

''SEC. 4309. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.

''(a) PROGRAM REQUIRED.—(1) The Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, carry out a program on scientific engagement in countries selected by the Secretary for purposes of the program in order to advance global nonproliferation and nuclear security efforts.

''(2) The program required by this section shall be a distinct program from the Global Initiatives for Proliferation Prevention program.

''(b) ELEMENTS.—The program shall include the elements as follows:

''(1) Training and capacity-building to strengthen nonproliferation and security best practices.

''(2) Engagement of United States scientists with foreign counterparts to advance nonproliferation goals.

''(c) REPORT ON COMMENCEMENT OF PROGRAM.—Funds may not be expended under the program required by this section until the Administrator submits to the appropriate congressional committees a report setting forth the following:

''(1) For each country selected for the program as of the date of such report—

''(A) a proliferation threat assessment prepared by the Director of National Intelligence; and

''(B) metrics for evaluating the success of the program.

''(2) Accounting standards for the conduct of the program approved by the Comptroller General of the United States.

''(d) REPORTS ON MODIFICATION OF PROGRAM.—Before making any modification in the program (whether selecting a new country for the program, ceasing the selection of a country for the program, or modifying an element of the program), the Administrator shall submit to the appropriate congressional committees a report on the modification. If the modification consists of the selection for the program of a country not previously selected for the program, the report shall include the matters specified in subsection (c)(1) for the country.

''(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the congressional defense committees;

''(2) the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate; and

''(3) the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107–314) is amended by inserting after the item relating to section 4308 the following new item:

''Sec. 4309. Program on scientific engagement for nonproliferation.''.

(b) REPORT ON COORDINATION WITH OTHER UNITED STATES NONPROLIFERATION PROGRAMS.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Nuclear Security Administration shall submit to the appropriate congressional committees a report describing the manner in which the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as added by subsection (a)) coordinates with and complements, but does not duplicate, other nonproliferation programs of the United States Government.

(c) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as so added). The report shall include an assessment by the Comptroller General of the success of the program, as determined in accordance with the metrics for evaluating the success of the program under subsection (c)(1)(B) of such section 4309, and such other matters on the program as the Comptroller General considers appropriate.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees;

(2) the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate; and

(3) the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives.

SA 3095. Mrs. HAGAN (for herself, Mr. JOHNSON of South Dakota, Mrs. MURRAY, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

Strike section 2823.

SA 3096. Mr. MERKLEY (for himself, Mr. PAUL, and Mr. MANCHIN) submitted an amendment intended to be proposed

by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1221. COMPLETION OF ACCELERATED TRANSITION OF UNITED STATES COMBAT AND MILITARY AND SECURITY OPERATIONS TO THE GOVERNMENT OF AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President shall, in coordination with the Government of Afghanistan, North Atlantic Treaty Organization (NATO) member countries, and other allies in Afghanistan, seek to—

(1) undertake all appropriate activities to accomplish the President's stated goal of transitioning the lead responsibility for security to the Government of Afghanistan by mid-summer 2013;

(2) as part of accomplishing this transition of the lead responsibility for security to the Government of Afghanistan, draw down United States troops to the minimum level required to meet this goal;

(3) as previously announced by the President, continue to draw down United States troop levels at a steady pace through the end of 2014; and

(4) end all regular combat operations by United States troops by not later than December 31, 2014, and take all possible steps to end such operations at the earliest date consistent with a safe and orderly draw down of United States troops in Afghanistan.

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

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

(2) to authorize United States forces in Afghanistan to defend themselves whenever they may be threatened;

(3) to attack Al Qaeda forces wherever such forces are located;

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

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

SA 3097. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. REPORTS BY FEDERAL AGENCIES WITH CONSTRUCTION CONTRACTS IN AFGHANISTAN THAT DO NOT COMPLY WITH INSPECTOR GENERAL RECOMMENDATIONS ON REIMBURSEMENT FOR POOR CONTRACTOR PERFORMANCE, COST OVERRUNS, OR OTHER REASONS.

(a) IN GENERAL.—Not later than 30 days after the end of the 60-day period for an audited establishment to respond to a covered final audit report submitted to the establishment by an Inspector General under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) or 30 days after the establishment responds to a covered audit report with a non-concur or partial concur response, the head of the establishment shall submit to Congress a report with an explanation for the failure to respond or the non-concur or partial concur response.

(b) DEFINITIONS.—In this section:

(1) The term ''covered final audit report'' means a final audit report issued by an Inspector General under the Inspector General Act of 1978 that includes a recommendation for an establishment to seek reimbursement for failure by a contractor or subcontractor to successfully complete a construction contract in Afghanistan due to poor contractor performance, cost-overruns, or other reasons that would, if implemented, result in at least $2,000,000 in savings.

(2) The terms ''establishment'' and ''head of the establishment'' have the meanings given such terms in section 11 of the Inspector General Act of 1978.

SA 3098. Mrs. SHAHEEN (for herself and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 888. REPORT BY THE SUSPENSION AND DEBARMENT OFFICIALS OF THE MILITARY DEPARTMENTS AND THE DEFENSE LOGISTICS AGENCY.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the suspension and debarment official of each agency specified in subsection (b) shall submit to the congressional defense committees a report on the suspension and debarment activities of such official containing the information specified in subsection (c).

(b) COVERED AGENCIES.—The agencies specified in this subsection are the following:

(1) The Department of the Army.

(2) The Department of the Navy.

(3) The Department of the Air Force.

(4) The Defense Logistics Agency.

(c) COVERED INFORMATION.—The information specified in this subsection to be included in the report of a suspension and debarment official under subsection (a) is the following:

(1) The number of open suspension and debarment cases of such official as of the date of such report.

(2) The current average processing time for suspension and debarment cases.

(3) The target goal of such official for average processing time for suspension and debarment proposals.

(4) If the average time required for such official to process suspension and debarment proposals is more than twice the target goal specified under paragraph (3)—

(A) an explanation why the average time exceeds the target goal by more than twice the target goal; and

(B) a description of the actions to be taken by such official to ensure that the average processing time for suspension and debarment proposals meets the target goal.

SA 3099. Mrs. MURRAY (for herself, Ms. MIKULSKI, Mr. DURBIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; as follows:

At the end of title VII, add the following:

Subtitle E—Mental Health Care Matters

SEC. 751. ENHANCEMENT OF OVERSIGHT AND MANAGEMENT OF DEPARTMENT OF DEFENSE SUICIDE PREVENTION AND RESILIENCE PROGRAMS.

(a) IN GENERAL.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, establish within the Office of the Secretary of Defense a position with responsibility for oversight and management of all suicide prevention and resilience programs and all preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces).

(b) SCOPE OF RESPONSIBILITIES.—The individual serving in the position established pursuant to subsection (a) shall have the responsibilities as follows:

(1) To establish a uniform definition of resiliency for use in the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces).

(2) In consultation with the National Center for Post Traumatic Stress Disorder of the Department of Veterans Affairs and other appropriate public and private agencies and entities, to require the use of clinical best practices in mental health care, suicide prevention programs, and resilience programs of the Department of Defense, including the diagnosis and treatment of behavioral health disorders.

(3) To oversee and manage the comprehensive program on the prevention of suicide among members of the Armed Forces required by section 752.

SEC. 752. COMPREHENSIVE PROGRAM ON PREVENTION OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES.

(a) COMPREHENSIVE PROGRAM REQUIRED.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, develop and implement within the Department of Defense a comprehensive program on the prevention of suicide among members of the Armed Forces. In developing the program, the Secretary shall consider recommendations from the operational elements of the Armed Forces regarding the feasibility of the implementation and execution of particular elements of the program.

(b) ELEMENTS.—The comprehensive program required by subsection (a) shall include elements to achieve the following:

(1) To raise awareness among members of the Armed Forces about mental health conditions and the stigma associated with mental health conditions and mental health care.

(2) To provide members of the Armed Forces generally, members of the Armed Forces in supervisory positions (including officers in command billets and non-commissioned officers), and medical personnel of the Armed Forces and the Department of Defense with effective means of identifying members of the Armed Forces who are at risk for suicide (including enhanced means for early identification and treatment of such members).

(3) To provide members of the Armed Forces who are at risk of suicide with continuous access to suicide prevention services, including suicide crisis services.

(4) To evaluate and assess the effectiveness of the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces), including the development of metrics for that purpose.

(5) To evaluate and assess the current diagnostic tools and treatment methods in the programs referred to in paragraph (4) in order to ensure clinical best practices are used in such programs.

(6) To ensure that the programs referred to in paragraph (4) incorporate evidenced-based practices when available.

(7) To provide for the training of mental health care providers on evidence-based therapies in connection with suicide prevention.

(8) To establish training standards for behavioral health care providers in order to ensure that such providers receive training on clinical best practices and evidence-based treatments as information on such practices and treatments becomes available, and to ensure such standards are met.

(9) To provide for the integration of mental health screenings and suicide risk and prevention for members of the Armed Forces into the delivery of primary care for such members.

(10) To ensure appropriate responses to attempted or completed suicides among members of the Armed Forces, including guidance and training to assist commanders in addressing incidents of attempted or completed suicide within their units.

(11) To ensure the protection of the privacy of members of the Armed Forces seeking or receiving treatment relating to suicide.

(12) Such other matters as the Secretary of Defense considers appropriate in connection with the prevention of suicide among members of the Armed Forces.

(c) CONSULTATION.—In developing and implementing the comprehensive program required by subsection (a), the Under Secretary shall consult with appropriate officials and elements of the Department of Defense, appropriate centers of excellence within the Department of Defense, and other public and private entities with expertise in mental health and suicide prevention.

(d) IMPLEMENTATION BY THE ARMED FORCES.—In implementing the comprehensive program required by subsection (a) with respect to an Armed Force, the Secretary of the military department concerned may, in consultation with the Under Secretary and with the approval of the Secretary of Defense, modify particular elements of the program in order to adapt the program appropriately to the unique culture and elements of that Armed Force.

(e) QUALITY ASSURANCE.—In developing and implementing the comprehensive program required by subsection (a), the Under Secretary shall develop and implement appropriate mechanisms to provide for the oversight and management of the program, including quality measures to assess the efficacy of the program in preventing suicide among members of the Armed Forces.

SEC. 753. QUALITY REVIEW OF MEDICAL EVALUATION BOARDS, PHYSICAL EVALUATION BOARDS, AND PHYSICAL EVALUATION BOARD LIAISON OFFICERS.

(a) IN GENERAL.—The Secretary of Defense shall standardize, assess, and monitor the quality assurance programs of the military departments to evaluate the following in the performance of their duties (including duties under chapter 61 of title 10, United States Code):

(1) Medical Evaluation Boards (MEBs).

(2) Physical Evaluation Boards (PEBs).

(3) Physical Evaluation Board Liaison Officers (PEBLOs).

(b) OBJECTIVES.—The objectives of the quality assurance program shall be as follows:

(1) To ensure accuracy and consistency in the determinations and decisions of Medical Evaluation Boards and Physical Evaluation Boards.

(2) To otherwise monitor and sustain proper performance of the duties of Medical Evaluation Boards and Physical Evaluation Boards, and of Physical Evaluation Board Liaison Officers.

(3) Such other objectives as the Secretary shall specify for purposes of the quality assurance program.

(c) REPORTS.—

(1) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report setting forth the plan of the Secretary for the implementation of the requirements of this section.

(2) ANNUAL REPORTS.—Not later than one year after the date of the submittal of the report required by paragraph (1), and annually thereafter for the next four years, the Secretary shall submit to the appropriate committees of Congress a report setting forth an assessment of the implementation of the requirements of this section during the one-year period ending on the date of the report under this paragraph. Each report shall include, in particular, an assessment of the extent to which the quality assurance program under the requirements of this section meets the objectives specified in subsection (b).

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 754. ASSESSMENT OF ADEQUACY OF MENTAL HEALTH CARE BENEFITS UNDER THE TRICARE PROGRAM.

(a) INDEPENDENT ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Health and Human Services, enter into a contract with an appropriate independent entity to assess whether the mental health care benefits available for members of the Armed Forces and other covered beneficiaries under the TRICARE program are adequate to meet the needs of such members and beneficiaries for mental health care.

(b) REPORT.—The contract required by subsection (a) shall require the entity conducting the assessment required by the contract to submit to the Secretary of Defense, and to the congressional defense committees, a report setting forth the results of the assessment by not later than 180 days after the date of entry into the contract. If the entity determines pursuant to the assessment that the mental health care benefits available for members of the Armed Forces and other covered beneficiaries under the TRICARE program are not adequate to meet the needs of such members and beneficiaries for mental health care, the report shall include such recommendations for legislative or administrative action as the entity considers appropriate to remediate any identified inadequacy.

(c) DEFINITIONS.—In this section:

(1) The term ''covered beneficiaries'' has the meaning given that term in section 1072(5) of title 10, United States Code.

(2) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 755. SHARING BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS OF RECORDS AND INFORMATION RETAINED UNDER THE MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for the sharing by the Department of Defense with the Department of Veterans Affairs of the results of examinations and other records on members of the Armed Forces that are retained and maintained with respect to the medical tracking system for members deployed overseas under section 1074f(c) of title 10, United States Code.

(b) CESSATION UPON IMPLEMENTATION OF ELECTRONIC HEALTH RECORD.—The sharing required pursuant to subsection (a) shall cease on the date on which the Secretary of Defense and the Secretary of Veterans Affairs jointly certify to Congress that the Secretaries have fully implemented an integrated electronic health record for members of the Armed Forces that is fully interoperable between the Department of Defense and the Department of Veterans Affairs.

SEC. 756. PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN PEER SUPPORT COUNSELING PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) PARTICIPATION.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for members of the Armed Forces described in subsection (b) to volunteer or be considered for employment as peer counselors under the following:

(A) The peer support counseling program carried out by the Secretary of Veterans Affairs under subsection (j) of section 1720F of title 38, United States Code, as part of the comprehensive program for suicide prevention among veterans under subsection (a) of such section.

(B) The peer support counseling program carried out by the Secretary of Veterans Affairs under section 304(a)(1) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1150; 38 U.S.C. 1712A note).

(2) TRAINING.—Any member participating in a peer support counseling program under paragraph (1) shall receive the training for peer counselors under section 1720F(j)(2) of title 38, United States Code, or section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010, as applicable, before performing peer support counseling duties under such program.

(b) COVERED MEMBERS.—Members of the Armed Forces described in this subsection are the following:

(1) Members of the reserve components of the Armed Forces who are demobilizing after deployment in a theater of combat operations, including, in particular, members who participated in combat against the enemy while so deployed.

(2) Members of the regular components of the Armed Forces separating from active duty who have been deployed in a theater of combat operations in which such members participated in combat against the enemy.

SEC. 757. RESEARCH AND MEDICAL PRACTICE ON MENTAL HEALTH CONDITIONS.

(a) DEPARTMENT OF DEFENSE ORGANIZATION ON RESEARCH AND PRACTICE.—The Secretary of Defense shall establish within the Department of Defense an organization to carry out

the responsibilities specified in subsection (b).

(b) RESPONSIBILITIES.—The organization established under subsection (a) shall—

(1) carry out programs and activities designed to provide for the translation of research on the diagnosis and treatment of mental health conditions into policy on medical practices;

(2) make recommendations to the Assistant Secretary of Defense for Health Affairs on the translation of such research into the policies of the Department of Defense on medical practices with respect to members of the Armed Forces; and

(3) discharge such other responsibilities relating to research and medical practices on mental health conditions, and the policies of the Department on such practices with respect to members of the Armed Forces, as the Secretary or the Assistant Secretary shall specify for purposes of this section.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the organization required by subsection (a). The report shall include a description of the organization and a plan for implementing the requirements of this section.

(2) ANNUAL REPORTS.—The Secretary shall submit to Congress each year a report on the activities of the organization established under subsection (a) during the preceding year. Each report shall include the following:

(A) A summary description of the activities of the organization during the preceding year.

(B) A description of the recommendations made by the organization to the Assistant Secretary under subsection (b)(2) during the year, and a description of the actions undertaken (or to be undertaken) by the Assistant Secretary in response to such recommendations.

(C) Such other matters relating to the activities of the organization, including recommendations for additional legislative or administrative action, as the Secretary, in consultation with the Assistant Secretary, considers appropriate.

SEC. 758. DISPOSAL OF CONTROLLED SUBSTANCES.

(a) MEMBERS OF THE ARMED FORCES.—The Administrator of the Drug Enforcement Administration shall enter into a memorandum of understanding with the Secretary of Defense establishing procedures under which a member of the Armed Forces may deliver a controlled substance to a member of the Armed Forces or an employee of the Department of Defense to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) VETERANS.—

(1) IN GENERAL.—The Administrator shall enter into a memorandum of understanding with the Secretary of Veterans Affairs establishing procedures under which a veteran may deliver a controlled substance to an employee of the Department of Veterans Affairs to be disposed of in accordance with section 302(g) of the Controlled Substances Act.

(2) VETERAN DEFINED.—In this subsection, the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

SEC. 759. TRANSPARENCY OF MENTAL HEALTH CARE SERVICES.

(a) MEASUREMENT OF MENTAL HEALTH CARE SERVICES.—

(1) IN GENERAL.—Not later than December 31, 2013, the Secretary of Veterans Affairs shall develop and implement a comprehensive set of measures to assess mental health care services furnished by the Department of Veterans Affairs.

(2) ELEMENTS.—The measures developed and implemented under paragraph (1) shall provide an accurate and comprehensive assessment of the following:

(A) The timeliness of the furnishing of mental health care by the Department.

(B) The satisfaction of patients who receive mental health care services furnished by the Department.

(C) The capacity of the Department to furnish mental health care.

(D) The availability and furnishing of evidence-based therapies by the Department.

(b) GUIDELINES FOR STAFFING MENTAL HEALTH CARE SERVICES.—Not later than December 31, 2013, the Secretary shall develop and implement guidelines for the staffing of general and specialty mental health care services, including at community-based outpatient clinics. Such guidelines shall include productivity standards for providers of mental health care.

(c) STUDY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall seek to enter into a contract with the National Academy of Sciences to create a study committee—

(A) to consult with the Secretary on the Secretary's development and implementation of the measures and guidelines required by subsections (a) and (b); and

(B) to conduct an assessment and provide an analysis and recommendations on the state of Department mental health services.

(2) FUNCTIONS.—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph (1)(B), include in such contract a provision for the study committee—

(A) to conduct a comprehensive assessment of barriers to access to mental health care by veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn;

(B) to assess the quality of the mental health care being provided to such veterans (including the extent to which veterans are afforded choices with respect to modes of treatment) through site visits to facilities of the Veterans Health Administration (including at least one site visit in each Veterans Integrated Service Network), evaluating studies of patient outcomes, and other appropriate means;

(C) to assess whether, and the extent to which, veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn are being offered a full range of necessary mental health services at Department health care facilities, including early intervention services for hazardous drinking, relationship problems, and other behaviors that create a risk for the development of a chronic mental health condition;

(D) to conduct surveys or have access to Department-administered surveys of—

(i) providers of Department mental health services;

(ii) veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are receiving mental health care furnished by the Department; and

(iii) eligible veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are not using Department health care services to assess those barriers described in subparagraph (A); and

(E) to provide to the Secretary, on the basis of its assessments as delineated in subparagraphs (A) through (C), specific, detailed recommendations—

(i) for overcoming barriers, and improving access, to timely, effective mental health care at Department health care facilities (or, where Department facilities cannot provide such care, through contract arrangements under existing law); and

(ii) to improve the effectiveness and efficiency of mental health services furnished by the Secretary.

(3) PARTICIPATION BY FORMER OFFICIALS AND EMPLOYEES OF VETERANS HEALTH ADMINISTRATION.—The Secretary shall ensure that any contract entered into under paragraph (1) provides for inclusion on any subcommittee which participates in conducting the assessments and formulating the recommendations provided for in paragraph (2) at least one former official of the Veterans Health Administration and at least two former employees of the Veterans Health Administration who were providers of mental health care.

(4) PERIODIC REPORTS TO SECRETARY.—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph (1)(A), include in such contract a provision for the submittal to the Secretary of periodic reports and provision of other consultation to the Secretary by the study committee to assist the Secretary in carrying out subsections (a) and (b).

(5) REPORTS TO CONGRESS.—Not later than 30 days after receiving a report under paragraph (4), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the plans of the Secretary to implement such recommendations submitted to the Secretary by the study committee as the Secretary considers appropriate. Such report shall include a description of each recommendation submitted to the Secretary that the Secretary does not plan to carry out and an explanation of why the Secretary does not plan to carry out such recommendation.

(d) PUBLICATION.—

(1) IN GENERAL.—The Secretary shall make available to the public on an Internet website of the Department the following:

(A) The measures and guidelines developed and implemented under this section.

(B) An assessment of the performance of the Department using such measures and guidelines.

(2) QUARTERLY UPDATES.—The Secretary shall update the measures, guidelines, and assessment made available to the public under paragraph (1) not less frequently than quarterly.

(e) SEMIANNUAL REPORTS.—

(1) IN GENERAL.—Not later than June 30, 2013, and not less frequently than twice each year thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the Secretary's progress in developing and implementing the measures and guidelines required by this section.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A description of the development and implementation of the measures required by subsection (a) and the guidelines required by subsection (b).

(B) A description of the progress made by the Secretary in developing and implementing such measures and guidelines.

(C) An assessment of the mental health care services furnished by the Department of Veterans Affairs, using the measures developed and implemented under subsection (a).

(D) An assessment of the effectiveness of the guidelines developed and implemented under subsection (b).

(E) Such recommendations for legislative or administrative action as the Secretary may have to improve the effectiveness and efficiency of the mental health care services

furnished under laws administered by the Secretary.

(f) IMPLEMENTATION REPORT.—

(1) IN GENERAL.—Not later than 30 days before the date on which the Secretary begins implementing the measures and guidelines required by this section, the Secretary shall submit to the committees described in subsection (e)(1) a report on the Secretary's planned implementation of such measures and guidelines.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A detailed description of the measures and guidelines that the Secretary plans to implement under this section.

(B) A description of the rationale for each measure and guideline the Secretary plans to implement under this section.

(C) A discussion of each measure and guideline that the Secretary considered under this section but chose not to implement.

(D) The number of current vacancies in mental health care provider positions in the Department.

(E) An assessment of how many additional positions are needed to meet current or expected demand for mental health services furnished by the Department.

SEC. 760. EXPANSION OF VET CENTER PROGRAM TO INCLUDE FURNISHING COUNSELING TO CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR FAMILY MEMBERS.

Section 1712A of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''Upon the request'' and all that follows through the period at the end and inserting the following: ''Upon the request of any individual referred to in subparagraph (C), the Secretary shall furnish counseling, including by furnishing counseling through a Vet Center, to the individual—

''(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), to assist the individual in readjusting to civilian life; and

''(ii) in the case of an individual referred to in clause (v) of such subparagraph who is a family member of a veteran or member described in such clause—

''(I) in the case of a member who is deployed in a theater of combat operations or an area at a time during which hostilities are occurring in that area, during such deployment to assist such individual in coping with such deployment; and

''(II) in the case of a veteran or member who is readjusting to civilian life, to the degree that counseling furnished to such individual is found to aid in the readjustment of such veteran or member to civilian life.''; and

(ii) by striking subparagraph (B) and inserting the following new subparagraphs:

''(B) Counseling furnished to an individual under subparagraph (A) may include a comprehensive individual assessment of the individual's psychological, social, and other characteristics to ascertain whether—

''(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), such individual has difficulties associated with readjusting to civilian life; and

''(ii) in the case of an individual referred to in clause (v) of such subparagraph, such individual has difficulties associated with—

''(I) coping with the deployment of a member described in subclause (I) of such clause; or

''(II) readjustment to civilian life of a veteran or member described in subclause (II) of such clause.

''(C) Subparagraph (A) applies to the following individuals:

''(i) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who served on active duty in a theater of combat operations or an area at a time during which hostilities occurred in that area.

''(ii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who provided direct emergency medical or mental health care, or mortuary services to the causalities of combat operations or hostilities, but who at the time was located outside the theater of combat operations or area of hostilities.

''(iii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who engaged in combat with an enemy of the United States or against an opposing military force in a theater of combat operations or an area at a time during which hostilities occurred in that area by remotely controlling an unmanned aerial vehicle, notwithstanding whether the physical location of such veteran or member during such combat was within such theater of combat operations or area.

''(iv) Any individual who received counseling under this section before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

''(v) Any individual who is a family member of any—

''(I) member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is serving on active duty in a theater of combat operations or in an area at a time during which hostilities are occurring in that area; or

''(II) veteran or member of the Armed Forces described in this subparagraph.'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as redesignated by subparagraph (C)—

(i) by striking ''a veteran described in paragraph (1)(B)(iii)'' and inserting ''an individual described in paragraph (1)(C)''; and

(ii) by striking ''the veteran a preliminary general mental health assessment'' and inserting ''the individual a comprehensive individual assessment as described in paragraph (1)(B)'';

(2) in subsection (b)(1), by striking ''physician or psychologist'' each place it appears and inserting ''licensed or certified mental health care provider'';

(3) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

''(1) The term 'Vet Center' means a facility which is operated by the Department for the provision of services under this section and which is situated apart from Department general health care facilities.''; and

(B) by adding at the end the following new paragraph:

''(3) The term 'family member', with respect to a veteran or member of the Armed Forces, means an individual who—

''(A) is a member of the family of the veteran or member, including—

''(i) a parent;

''(ii) a spouse;

''(iii) a child;

''(iv) a step-family member; and

''(v) an extended family member; or

''(B) lives with the veteran or member but is not a member of the family of the veteran or member.''; and

(4) by redesignating subsection (g), as amended by paragraph (3), as subsection (h) and inserting after subsection (f) the following new subsection (g):

''(g) In carrying out this section and in furtherance of the Secretary's responsibility to carry out outreach activities under chapter 63 of this title, the Secretary may provide for and facilitate the participation of personnel employed by the Secretary to provide services under this section in recreational programs that are—

''(1) designed to encourage the readjustment of veterans described in subsection (a)(1)(C); and

''(2) operated by any organization named in or approved under section 5902 of this title.''.

SEC. 761. AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO FURNISH MENTAL HEALTH CARE THROUGH FACILITIES OTHER THAN VET CENTERS TO IMMEDIATE FAMILY MEMBERS OF MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.

(a) IN GENERAL.—Subject to the availability of appropriations and subsection (b), the Secretary of Veterans Affairs, in addition to furnishing mental health care to family members of members of the Armed Forces through Vet Centers under section 1712A of title 38, United States Code, may furnish mental health care to immediate family members of members of the Armed Forces while such members are deployed in connection with a contingency operation (as defined in section 101 of title 10, United States Code) through Department of Veterans Affairs medical facilities, telemental health modalities, and such community, nonprofit, private, and other third parties as the Secretary considers appropriate.

(b) LIMITATION.—The Secretary may furnish mental health care under subsection (a) only to the extent that resources and facilities are available and only to the extent that the furnishing of such care does not interfere with the provision of care to veterans.

(c) NO ELIGIBILITY FOR TRAVEL REIMBURSEMENT.—A family member to whom the Secretary furnishes mental health care under subsection (a) shall not be eligible for payments or allowances under section 111 of title 38, United States Code, for such mental health care.

(d) SUNSET.—The authority to furnish medical health care under subsection (a) shall expire on the date that is three years after the date of the enactment of this Act.

(e) VET CENTER DEFINED.—In this section, the term ''Vet Center'' has the meaning given the term in section 1712A(g) of title 38, United States Code, as amended by section 760(3) of this Act.

SEC. 762. ORGANIZATION OF THE READJUSTMENT COUNSELING SERVICE IN DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter I of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 7309. Readjustment Counseling Service

''(a) IN GENERAL.—There is in the Veterans Health Administration a Readjustment Counseling Service. The Readjustment Counseling Service shall provide readjustment counseling and associated services to individuals in accordance with section 1712A of this title.

''(b) CHIEF OFFICER.—(1) The head of the Readjustment Counseling Service shall be the Chief Officer of the Readjustment Counseling Service (in this section the 'Chief Officer'), who shall report directly to the Under Secretary for Health.

''(2) The Chief Officer shall be appointed by the Under Secretary for Health from among individuals who—

''(A)(i) are psychologists who hold a diploma as a doctorate in clinical or counseling psychology from an authority approved by the American Psychological Association and who have successfully undergone an internship approved by that association;

''(ii) are holders of a master in social work degree; or

''(iii) hold such other advanced degrees related to mental health as the Secretary considers appropriate;

''(B) have at least three years of experience providing direct counseling services or outreach services in the Readjustment Counseling Service;

''(C) have at least three years of experience administrating direct counseling services or outreach services in the Readjustment Counseling Service;

''(D) meet the quality standards and requirements of the Department; and

''(E) are veterans who served in combat as members of the Armed Forces.

''(c) STRUCTURE.—(1) The Readjustment Counseling Service is a distinct organizational element within Veterans Health Administration.

''(2) The Readjustment Counseling Service shall provide counseling and services as described in subsection (a).

''(3) The Chief Officer shall have direct authority over all Readjustment Counseling Service staff and assets, including Vet Centers.

''(d) SOURCE OF FUNDS.—(1) Amounts for the activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall be derived from amounts appropriated for the Veterans Health Administration for medical care.

''(2) Amounts for activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall not be allocated through the Veterans Equitable Resource Allocation system.

''(3) In each budget request submitted for the Department of Veterans Affairs by the President to Congress under section 1105 of title 31, the budget request for the Readjustment Counseling Service shall be listed separately.

''(e) ANNUAL REPORT.—(1) Not later than March 15 of each year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the activities of the Readjustment Counseling Service during the preceding calendar year.

''(2) Each report submitted under paragraph (1) shall include, with respect to the period covered by the report, the following:

''(A) A summary of the activities of the Readjustment Counseling Service, including Vet Centers.

''(B) A description of the workload and additional treatment capacity of the Vet Centers, including, for each Vet Center, the ratio of the number of full-time equivalent employees at such Vet Center and the number of individuals who received services or assistance at such Vet Center.

''(C) A detailed analysis of demand for and unmet need for readjustment counseling services and the Secretary's plan for meeting such unmet need.

''(f) VET CENTER DEFINED.—In this section, the term 'Vet Center' has the meaning given the term in section 1712A(g) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7308 the following new item:

''7309. Readjustment Counseling Service.''.

(c) CONFORMING AMENDMENTS.—Section 7305 of such title is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

''(7) A Readjustment Counseling Service.''.

SEC. 763. RECRUITING MENTAL HEALTH PROVIDERS FOR FURNISHING OF MENTAL HEALTH SERVICES ON BEHALF OF THE DEPARTMENT OF VETERANS AFFAIRS WITHOUT COMPENSATION FROM THE DEPARTMENT.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a national program of outreach to societies, community organizations, nonprofit organizations, or government entities in order to recruit mental health providers, who meet the quality standards and requirements of the Department of Veterans Affairs, to provide mental health services for the Department on a part-time, without-compensation basis, under section 7405 of title 38, United States Code.

(b) PARTNERING WITH AND DEVELOPING COMMUNITY ENTITIES AND NONPROFIT ORGANIZATIONS.—In carrying out the program required by subsection (a), the Secretary may partner with a community entity or nonprofit organization or assist in the development of a community entity or nonprofit organization, including by entering into an agreement under section 8153 of title 38, United States Code, that provides strategic coordination of the societies, organizations, and government entities described in subsection (a) in order to maximize the availability and efficient delivery of mental health services to veterans by such societies, organizations, and government entities.

(c) MILITARY CULTURE TRAINING.—In carrying out the program required by subsection (a), the Secretary shall provide training to mental health providers to ensure that clinicians who provide mental health services as described in such subsection have sufficient understanding of military- and service-specific culture, combat experience, and other factors that are unique to the experience of veterans who served in Operation Enduring Freedom, Operating Iraqi Freedom, or Operation New Dawn.

SEC. 764. PEER SUPPORT.

(a) PEER SUPPORT COUNSELING PROGRAM.—

(1) PROGRAM REQUIRED.—Paragraph (1) of section 1720F(j) of title 38, United States Code, is amended in the matter before subparagraph (A) by striking ''may'' and inserting ''shall''.

(2) TRAINING.—Paragraph (2) of such section is amended by inserting after ''peer counselors'' the following: '', including training carried out under the national program of training required by section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (38 U.S.C. 1712A note; Public Law 111–163)''.

(3) AVAILABILITY OF PROGRAM AT DEPARTMENT MEDICAL CENTERS.—Such section is amended by adding at the end the following new paragraph:

''(3) In addition to other locations the Secretary considers appropriate, the Secretary shall carry out the peer support program under this subsection at each Department medical center.''.

(4) DEADLINE FOR COMMENCEMENT OF PROGRAM.—The Secretary of Veterans Affairs shall ensure that the peer support counseling program required by section 1720F(j) of title 38, United States Code, as amended by this subsection, commences at each Department of Veterans Affairs medical center not later than 270 days after the date of the enactment of this Act.

(b) PEER OUTREACH AND PEER SUPPORT SERVICES AT DEPARTMENT MEDICAL CENTERS UNDER PROGRAM ON READJUSTMENT AND MENTAL HEALTH CARE SERVICES FOR VETERANS WHO SERVED IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.—

(1) IN GENERAL.—Section 304 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (38 U.S.C. 1712A note; Public Law 111–163) is amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

''(e) PROVISION OF PEER OUTREACH AND PEER SUPPORT SERVICES AT DEPARTMENT MEDICAL CENTERS.—The Secretary shall carry out the services required by subparagraphs (A) and (B) of subsection (a)(1) at each Department medical center.''.

(2) DEADLINE.—The Secretary of Veterans Affairs shall commence carrying out the services required by subparagraphs (A) and (B) of subsection (a)(1) of such section at each Department of Veterans Affairs medical center, as required by subsection (e) of such section (as added by paragraph (1)), not later than 270 days after the date of the enactment of this Act.

SA 3100. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER FOR NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED.

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1503 the following new chapter:

''CHAPTER 1504—NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED

''Sec

''150401. Organization
''150402. Purposes
''150403. Membership
''150404. Board of directors
''150405. Officers
''150406. Nondiscrimination
''150407. Powers
''150408. Exclusive right to name, seals, emblems, and badges
''150409. Restrictions
''150410. Duty to maintain tax-exempt status
''150411. Records and inspection
''150412. Service of process
''150413. Liability for acts of officers and agents
''150414. Failure to comply with requirements
''150415. Annual report

''§ 150401. Organization

''The National American Indian Veterans, Incorporated, a nonprofit corporation organized in the United States (in this chapter referred to as the 'corporation'), is a federally chartered corporation.

''§ 150402. Purposes

''The purposes of the corporation are those stated in its articles of incorporation, constitution, and bylaws, and include a commitment—

''(1) to uphold and defend the Constitution of the United States while respecting the sovereignty of the American Indian, Alaska Native, and Native Hawaiian Nations;

''(2) to unite under one body all American Indian, Alaska Native, and Native Hawaiian veterans who served in the Armed Forces of United States;

''(3) to be an advocate on behalf of all American Indian, Alaska Native, and Native

Hawaiian veterans without regard to whether they served during times of peace, conflict, or war;

''(4) to promote social welfare (including educational, economic, social, physical, cultural values, and traditional healing) in the United States by encouraging the growth and development, readjustment, self-respect, self-confidence, contributions, and self-identity of American Indian veterans;

''(5) to serve as an advocate for the needs of American Indian, Alaska Native, and Native Hawaiian veterans, their families, or survivors in their dealings with all Federal and State government agencies;

''(6) to promote, support, and utilize research, on a nonpartisan basis, pertaining to the relationship between the American Indian, Alaska Native, and Native Hawaiian veterans and American society; and

''(7) to provide technical assistance to the 12 regional areas without veterans committees or organizations and programs by—

''(A) providing outreach service to those Tribes in need; and

''(B) training and educating Tribal Veterans Service Officers for those Tribes in need.

''§ 150403. Membership

''Subject to section 150406 of this title, eligibility for membership in the corporation, and the rights and privileges of members, shall be as provided in the constitution and by-laws of the corporation.

''§ 150404. Board of directors

''Subject to section 150406 of this title, the board of directors of the corporation, and the responsibilities of the board, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws under which the corporation is incorporated.

''§ 150405. Officers

''Subject to section 150406 of this title, the officers of the corporation, and the election of such officers, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the jurisdiction under which the corporation is incorporated.

''§ 150406. Nondiscrimination

''In establishing the conditions of membership in the corporation, and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, national origin, handicap, or age.

''§ 150407. Powers

''The corporation shall have only those powers granted the corporation through its articles of incorporation and its constitution and bylaws which shall conform to the laws of the jurisdiction under which the corporation is incorporated.

''§ 150408. Exclusive right to name, seals, emblems, and badges

''(a) IN GENERAL.—The corporation shall have the sole and exclusive right to use the names 'National American Indian Veterans, Incorporated' and 'National American Indian Veterans', and such seals, emblems, and badges as the corporation may lawfully adopt.

''(b) CONSTRUCTION.—Nothing in this section shall be construed to interfere or conflict with established or vested rights.

''§ 150409. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

''(b) DISTRIBUTION OF INCOME OR ASSETS.—(1) No part of the income or assets of the corporation shall inure to any person who is a member, officer, or director of the corporation or be distributed to any such person during the life of the charter granted by this chapter.

''(2) Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation, or reimbursement for actual and necessary expenses, in amounts approved by the board of directors.

''(c) LOANS.—The corporation shall not make any loan to any officer, director, member, or employee of the corporation.

''(d) NO FEDERAL ENDORSEMENT.—The corporation shall not claim congressional approval or Federal Government authority by virtue of the charter granted by this chapter for any of its activities.

''§ 150410. Duty to maintain tax-exempt status

''The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986.

''§ 150411. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete books and records of accounts;

''(2) minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors; and

''(3) at its principal office, a record of the names and addresses of all members having the right to vote.

''(b) INSPECTION.—(1) All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time.

''(2) Nothing in this section shall be construed to contravene the laws of the jurisdiction under which the corporation is incorporated or the laws of those jurisdictions within which the corporation carries on its activities in furtherance of its purposes within the United States and its territories.

''§ 150412. Service of process

''With respect to service of process, the corporation shall comply with the laws of the jurisdiction under which the corporation is incorporated and those jurisdictions within which the corporation carries on its activities in furtherance of its purposes within the United States and its territories.

''§ 150413. Liability for acts of officers and agents

''The corporation shall be liable for the acts of the officers and agents of the corporation when such individuals act within the scope of their authority.

''§ 150414. Failure to comply with requirements

''If the corporation fails to comply with any of the restrictions or provisions of this chapter, including the requirement under section 150410 of this title to maintain its status as an organization exempt from taxation, the charter granted by this chapter shall expire.

''§ 150415. Annual report

''(a) IN GENERAL.—The corporation shall report annually to Congress concerning the activities of the corporation during the preceding fiscal year.

''(b) SUBMITTAL DATE.—Each annual report under this section shall be submitted at the same time as the report of the audit of the corporation required by section 10101(b) of this title.

''(c) REPORT NOT PUBLIC DOCUMENT.—No annual report under this section shall be printed as a public document.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by insert after the item relating to chapter 1503 the following new item:

''1504. National American Indian Veterans, Incorporated .....150401''.

SA 3101. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title V, add the following:

SEC. 505. APPOINTMENT AND GRADE OF CHIEF OF THE ARMY MEDICAL SPECIALIST CORPS.

Section 3070(b) of title 10, United States Code, is amended—

(1) in the first sentence, by striking ''captain'' and inserting ''lieutenant colonel''; and

(2) by inserting after the first sentence the following new sentence: ''An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general.''.

SA 3102. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 544. RETENTION OF CERTAIN FORMS IN CONNECTION WITH RESTRICTED REPORTS ON SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) PERIOD OF RETENTION.—The Secretary of Defense shall ensure that all copies of Department of Defense Form 2910 and Department of Defense Form 2911 filed in connection with a Restricted Report on an incident of sexual assault involving a member of the Armed Forces shall be retained for the longer of—

(1) 50 years commencing on the date of signature of the member on Department of Defense Form 2910; or

(2) the time provided for the retention of such forms in connection with Unrestricted Reports on incidents of sexual assault involving members of the Armed Forces under Department of Defense Directive-Type Memorandum (DTM) 11–062, entitled ''Document Retention in Cases of Restricted and Unrestricted Reports of Sexual Assault'', or any successor directive or policy.

(b) PROTECTION OF CONFIDENTIALITY.—Any Department of Defense form retained under subsection (a) shall be retained in a manner that protects the confidentiality of the member of the Armed Forces concerned in accordance with procedures for the protection of confidentiality of information in Restricted Reports under Department of Defense memorandum JTF–SAPR–009, relating to the Department of Defense policy on confidentiality for victims of sexual assault, or any successor policy or directive.

SA 3103. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 544. INCLUSION AND COMMAND REVIEW OF INFORMATION ON SEXUAL-RELATED OFFENSES IN PERSONNEL SERVICE RECORDS OF MEMBERS OF THE ARMED FORCES.

(a) INFORMATION ON SUBSTANTIATED REPORTS ON SEXUAL-RELATED OFFENSES.—

(1) IN GENERAL.—If a complaint of a sexual-related offense is made against a member of the Armed Forces and the complaint is substantiated, a notation to that effect shall be placed in the personnel service record of the member, regardless of the member's grade.

(2) PURPOSE.—The purpose of the inclusion of information in personnel service records under paragraph (1) is to alert commanders to the members of their command who have received courts-martial conviction, non-judicial punishment, or administrative action for sexual-related offenses in order to reduce the likelihood that repeat offenses will escape the notice of commanders.

(b) LIMITATION ON PLACEMENT.—A notation under subsection (a) may not be placed in the restricted section of the personnel service record of a member.

(c) CONSTRUCTION.—Nothing in subsection (a) or (b) may be construed to prohibit or limit the capacity of a member of the Armed Forces to challenge or appeal the placement of a notation, or location of placement of a notation, in the member's personnel service record in accordance with procedures otherwise applicable to such challenges or appeals.

(d) SUBSTANTIATED COMPLAINTS.—For purposes of implementing this section, the Secretary of Defense shall use the definition of substantiated developed for purposes of the annual report on sexual assaults involving members of the Armed Forces prepared under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note).

(e) COMMAND REVIEW OF HISTORY OF SEXUAL-RELATED OFFENSES OF MEMBERS UPON ASSIGNMENT OR TRANSFER TO NEW UNIT.—

(1) REVIEW REQUIRED.—Under uniform regulations prescribed by the Secretary of Defense, the commanding officer of a facility, installation, or unit to which a member of the Armed Forces described in paragraph (2) is permanently assigned or transferred shall review the history of substantiated sexual offenses of the member in order to familiarize such officer with such history of the member.

(2) COVERED MEMBERS.—A member of the Armed Forces described in this paragraph is a member of the Armed Forces who, at the time of assignment or transfer as described in paragraph (1), has a history of one or more substantiated sexual offenses as documented in the personnel service record of such member or such other records or files as the Secretary shall specify in the regulations prescribed under paragraph (1).

SA 3104. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 544. ENHANCEMENT OF ANNUAL REPORTS REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) A synopsis of each such substantiated case, organized by offense, and, for each such case, the action taken in such case, including the following information:

''(A) The type of disciplinary or administrative sanction imposed, if any, including courts-martial sentences, non-judicial punishments administered by commanding officers pursuant to section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), and administrative separations.

''(B) A description of and rationale for the final disposition and punishment, regardless of type of disciplinary or administrative sanction imposed, including, in a case in which an Article 32 investigating officer recommended dismissal of the charges, an explicit statement of the reasons for such recommendation.

''(C) The unit and location of service at which the incident occurred.

''(D) Whether the accused was previously accused of a substantiated sexual assault or sexual harassment.

''(E) Whether the accused was admitted to the Armed Forces under a moral waiver granted with respect to prior sexual misconduct.

''(F) Whether alcohol was involved in the incident.

''(G) If the member was administratively separated or, in the case of an officer, allowed to resign in lieu of facing a court-martial, the characterization given the service of the member upon separation.''; and

(2) by adding at the end the following new paragraphs

''(7) The number of applications submitted under section 673 of title 10, United States Code, during the year covered by the report for a permanent change of station or unit transfer for members of the Armed Forces on active duty who are the victim of a sexual assault or related offense, the number of applications denied, and, for each application denied, a description of the reasons why such application was denied.

''(8) An analysis and assessment of trends in the incidence, disposition, and prosecution of sexual assaults by commands and installations during the year covered by the report, including trends relating to prevalence of incidents, prosecution of incidents, and avoidance of incidents.

''(9) An assessment of the adequacy of sexual assault prevention and response activities carried out by training commands during the year covered by the report.

''(10) An analysis of the specific factors that may have contributed to sexual assault during the year covered by the report, including sexual harassment and substance abuse, an assessment of the role of such factors in contributing to sexual assaults during that year, and recommendations for mechanisms to eliminate or reduce the incidence of such factors or their contributions to sexual assaults.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply beginning with the report required to be submitted by March 1, 2013, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (as amended by subsection (a)).

SA 3105. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 544. PREVENTION AND RESPONSE TO SEXUAL HARASSMENT IN THE ARMED FORCES.

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Equal Opportunity Office of the Department of Defense, develop a comprehensive policy to prevent and respond to sexual harassment in the Armed Forces. The policy shall provide for the following:

(A) Training for members of the Armed Forces on the prevention of sexual harassment.

(B) Mechanisms for reporting incidents of sexual harassment in the Armed Forces, including procedures for reporting anonymously.

(C) Mechanisms for responding to and resolving incidents of alleged sexual harassment incidences involving members of the Armed Forces, including through the prosecution of offenders.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy required by paragraph (1).

(b) COLLECTION AND RETENTION OF RECORDS ON DISPOSITION OF REPORTS OF SEXUAL HARASSMENT.—

(1) COLLECTION.—The Secretary of Defense shall require that the Secretary of each military department establish a record on the disposition of any report of sexual harassment, whether such disposition is court martial, non-judicial punishment, or other administrative action. The record of any such disposition shall include the following, as appropriate:

(A) Documentary information collected about the incident reported.

(B) Punishment imposed, including the sentencing by judicial or non-judicial means including incarceration, fines, restriction, and extra duty as a result of military court-martial, Federal and local court and other sentencing, or any other punishment imposed.

(C) Reasons for the selection of the disposition and punishments selected.

(D) Administrative actions taken, if any.

(E) Any pertinent referrals offered as a result of the incident (such as drug and alcohol counseling and other types of counseling or intervention).

(2) RETENTION.—The Secretary of Defense shall require that—

(A) the records established pursuant to paragraph (1) be retained by the Department of Defense for a period of not less than 50 years; and

(B) a copy of such records be maintained at a centralized location for the same period as applies to retention of the records under subparagraph (A).

(c) ANNUAL REPORT ON SEXUAL HARASSMENT INVOLVING MEMBERS OF THE ARMED FORCES.—

(1) ANNUAL REPORT ON SEXUAL HARASSMENT.—Not later than March 1, 2015, and each March 1 thereafter through March 1, 2018, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual harassments involving members of the Armed Forces under the jurisdiction of such Secretary during the preceding year. Each Secretary of a military department shall submit the report on a year under this section at the same time as the submittal of the annual report on sexual assaults during that year under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note). In the case of the Secretary of the Navy, separate reports shall be prepared under this section for the Navy and the Marine Corps.

(2) CONTENTS.—The report of a Secretary of a military department for an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual harassments committed against members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated.

(B) The number of sexual harassments committed by members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated. The information required by this subparagraph may not be combined with the information required by subparagraph (A).

(C) A synopsis of each such substantiated case and, for each such case, the action taken in such case, including the type of disciplinary or administrative sanction imposed, section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(D) The policies, procedures, and processes implemented by the Secretary during the year covered by the report in response to incidents of sexual harassment involving members of that Armed Force.

(E) Any other matters relating to sexual harassment involving members of the Armed Forces that the Secretary considers appropriate.

SA 3106. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 544. POLICY OF THE UNITED STATES ON DISPOSITION OF CHARGES INVOLVING CERTAIN SEXUAL MISCONDUCT OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE THROUGH COURTS-MARTIAL.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States that any charge regarding an offense specified in subsection (b) should be disposed of by court-martial, rather than by non-judicial punishment or administrative action.

(b) COVERED OFFENSES.—An offense specified in this subsection is any of the following offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice):

(1) Rape or sexual assault under subsection (a) or (b) of section 920 of such chapter (article 120 of the Uniform Code of Military Justice).

(2) Forcible sodomy under section 925 of such chapter (article 125 of the Uniform Code of Military Justice).

(3) An attempt to commit an offense specified in paragraph (1) or (2), as punishable under section 880 of such chapter (article 80 of the Uniform Code of Military Justice).

(c) JUSTIFICATION FOR DISPOSITION OTHER THAN BY COURT-MARTIAL.—In the case of any charge regarding an offense specified in subsection (b) that is disposed of by non-judicial punishment or administrative action, rather than by court-martial, the disposition authority for such case shall include in the case file a justification for the disposition of the charge by non-judicial punishment or administrative action, rather than by court-martial.

SA 3107. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 344. DISPOSAL OF SURPLUS OR EXCESS TANGIBLE PROPERTY OF THE DEPARTMENT OF DEFENSE SOLELY BY PUBLIC SALE.

Notwithstanding any other provision of law, surplus or excess tangible property of the Department of Defense shall be disposed of solely by public sale.

SA 3108. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 903. INFORMATION FOR DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE FROM THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES FOR DEFENSE BUSINESS SYSTEM INVESTMENT REVIEWS.

Section 2222(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The investment management process required by paragraph (1) shall include requirements for the military departments and the Defense Agencies to submit to the Deputy Chief Management Officer such information on covered defense business system programs as the Deputy Chief Management Officer shall require for the review of defense business system programs under the process. Such information shall be submitted to the Deputy Chief Management Officer in a standardized format established by the Deputy Chief Management Officer for purposes of this paragraph.

''(B) If a military department or Defense Agency does not submit to the Deputy Chief Management Officer information requested by the Deputy Chief Management Office under subparagraph (A) within 60 days of the date of such request for such information under that subparagraph, or does not submit such information in the standardized format established pursuant to that subparagraph, the Secretary of Defense may withhold funding for any new defense business system, or any modernization of a current defense business system, of the military department or Defense Agency commencing as of the date that is 60 days after the date of such request.''.

SA 3109. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

''In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

''5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.''.

SA 3110. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1005. REPORT ON BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF FISCAL YEAR 2012.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, and publish on the Internet website of the Department of Defense available to the public, the following:

(1) The total dollar amount of all balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(2) The total dollar amount of all unobligated balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(3) The total dollar amount of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of fiscal year 2012 by account.

SA 3111. Mr. COBURN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVIII—AUDIT OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS

SEC. 1801. SHORT TITLE.

This title may be cited as the ''Audit the Pentagon Act of 2012''.

SEC. 1802. FINDINGS.

Congress makes the following findings:

(1) Section 9 of Article 1 of the Constitution of the United States requires all agencies of the Federal Government, including the Department of Defense, to publish ''a regular statement and account of the receipts and expenditures of all public money''.

(2) Section 3515 of title 31, United States Code, requires the agencies of the Federal Government, including the Department of Defense, to present auditable financial statements beginning not later than March 1, 1997. The Department has not complied with this law.

(3) The Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note) requires financial systems acquired by the Federal Government, including the Department of Defense, to be able to provide information to leaders to manage and control the cost of government. The Department has not complied with this law.

(4) The financial management of the Department of Defense has been on the ''High-Risk'' list of Government Accountability Office, which means that the Department is not consistently able to ''control costs; ensure basic accountability; anticipate future costs and claims on the budget; measure performance; maintain funds control; [and] prevent and detect fraud, waste, and abuse''.

(5) The National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) requires the Secretary of Defense to report to Congress annually on the reliability of the financial statements of the Department of Defense, to minimize resources spent on producing unreliable financial statements, and to use resources saved to improve financial management policies, procedures, and internal controls.

(6) In 2005, the Department of Defense created a Financial Improvement and Audit Readiness (FIAR) Plan, overseen by a directorate within the office of the Under Secretary of Defense (Comptroller), to improve Department business processes with the goal of producing timely, reliable, and accurate financial information that could generate an audit-ready annual financial statement. In December 2005, that directorate, known as the FIAR Directorate, issued the first of a series of semiannual reports on the status of the Financial Improvement and Audit Readiness Plan.

(7) The National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) requires regular status reports on the Financial Improvement and Audit Readiness Plan described in paragraph (6), and codified as a statutory requirement the goal of the Plan in ensuring that Department of Defense financial statements are validated as ready for audit not later than September 30, 2017.

(8) At a September 2010 hearing of the Senate, the Government Accountability Office stated that past expenditures by the Department of Defense of $5,800,000,000 to improve financial information, and billions of dollars more of anticipated expenditures on new information technology systems for that purpose, may not suffice to achieve full audit readiness of the financial statement of the Department. At that hearing, the Government Accountability Office could not predict when the Department would achieve full audit readiness of such statements.

SEC. 1803. AUDIT READINESS OF THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) INCLUSION OF STATEMENT OF BUDGET RESOURCES WITHIN FIAR PLAN.—Subsection (a)(2)(A) of section 1003 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) by redesignating clause (ii) as clause (iv); and

(3) by inserting after clause (i) the following new clauses:

''(ii) ensuring that a complete and validated statement of budgetary resources of the Department of Defense is ready by not later than September 30, 2014;

''(iii) ensuring that the full set of consolidated financial statements of the Department for the fiscal year ending September 30, 2017, and each fiscal year thereafter, are ready in a timely manner and in preparation for an audit, including submitting the reports not later than November 15, 2017, and each year thereafter, in order to seek an audit opinion on its financial statements; and''.

(b) DEFINITION OF VALIDATED AS READY FOR AUDIT.—Such section is further amended by adding at the end the following new subsection:

''(d) VALIDATED AS READY FOR AUDIT DEFINED.—In this section, the term 'validated as ready for audit' means the following:

''(1) In the case of the financial statements of a military department, that the audit agencies of the military department have reviewed such statements and determined, in writing, that such statements are ready for audit.

''(2) In the case of the financial statements of a Defense Agency, that the audit agencies of the Defense Agency have reviewed such statements and determined, in writing, that such statements are ready for audit.''.

SEC. 1804. CESSATION OF APPLICABILITY OF REPORTING REQUIREMENTS REGARDING THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) CESSATION OF APPLICABILITY.—

(1) MILITARY DEPARTMENTS.—The financial statements of a military department shall cease to be covered by the reporting requirements specified in subsection (b) upon the issuance of an unqualified audit opinion on such financial statements.

(2) DEPARTMENT OF DEFENSE.—The reporting requirements specified in subsection (b) shall cease to be effective when an unqualified audit opinion is issued on the financial statements of the Department of Defense, including each of the military departments and the Defense Agencies.

(b) REPORTING REQUIREMENTS.—The reporting requirements specified in this subsection are the following:

(1) The requirement for semi-annual reports in section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2440; 10 U.S.C. 2222 note).

(2) The requirement for annual reports in section 1008(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1204; 10 U.S.C. 113 note).

SEC. 1805. REPORT ON DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS MADE OBSOLETE BY OR AFFECTING AUDITS WITH UNQUALIFIED OPINIONS.

Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) shall submit to Congress a report setting forth the following:

(1) A list of each report of the Department of Defense required by law to be submitted to Congress which, in the opinion of the Under Secretary, would no longer be necessary if the financial statements of the Department of Defense were audited with an unqualified opinion.

(2) A list of each report of the Department required by law to be submitted to Congress which, in the opinion of the Under Secretary, interferes with the capacity of the Department to achieve an audit of the financial statements of the Department with an unqualified opinion.

SEC. 1806. ENHANCED REPROGRAMMING AUTHORITY FOLLOWING ACHIEVEMENT BY MILITARY DEPARTMENTS OF AUDIT WITH UNQUALIFIED OPINION OF STATEMENT OF BUDGETARY RESOURCES FOR FISCAL YEARS AFTER FISCAL YEAR 2013.

(a) IN GENERAL.—Subject to section 1809(a)(1), if a military department obtains an audit with an unqualified opinion on its statement of budgetary resources for any fiscal year after fiscal year 2013, the thresholds for reprogramming of funds without prior notice to Congress for the succeeding fiscal year shall be deemed to be the thresholds as follows:

(1) In the case of an increase or decrease to the program base amount for a procurement program, $60,000,000.

(2) In the case of an increase or decrease to the program base amount for a research program, $30,000,000.

(3) In the case of an increase or decrease to the amount for a budget activity for operation and maintenance, $45,000,000.

(4) In the case of an increase or decrease to the amount for a budget activity for military personnel, $30,000,000.

(b) CONSTRUCTION.—Nothing in this section shall be construed to alter or revise any requirement (other than a threshold amount) for notice to Congress on reprogrammings covered by subsection (a) under any other provision of law.

(c) DEFINITIONS.—In this section, the terms ''program base amount'', ''procurement program'', ''research program'', and ''budget activity'' have the meanings given such terms

in chapter 6 of volume 3 of the Financial Management Regulation of the Department of Defense (DoD 7000.14R), dated March 2011, or any successor document.

SEC. 1807. AVAILABILITY OF EXPIRING FUNDS FOLLOWING ACHIEVEMENT BY MILITARY DEPARTMENTS OF AUDIT WITH UNQUALIFIED OPINION OF STATEMENT OF BUDGETARY RESOURCES FOR FISCAL YEARS AFTER FISCAL YEAR 2013.

(a) IN GENERAL.—Subject to section 1809(a)(1), if a military department obtains an audit with an unqualified opinion on its statement of budgetary resources for a fiscal year after fiscal year 2013 (in this section referred to as a ''covered fiscal year''), the amount described in subsection (b) shall be available for the purposes specified in subsection (c) at the end of such covered fiscal year without fiscal year limitation.

(b) AVAILABLE AMOUNT.—The amount described in this subsection is the amount equal to five percent of the aggregate amount of unobligated appropriations available to the military department concerned for a covered fiscal year that would otherwise expire at the end of such covered fiscal year by law.

(c) PURPOSES.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subject to paragraph (3), amounts available under subsection (a) shall, at the election of the Secretary of the military department concerned, be available for purposes as follows:

(A) Payment in accordance with applicable law of bonuses authorized by law (including awards authorized by subchapter I of chapter 45 of title 5, United States Code) for civilian employees of the military department, including employees determined to have made beneficial contributions to the achievement of the mission of the military department.

(B) Procurement of weapons and weapon systems.

(C) Military education and training programs and activities of the military department.

(2) EXCLUSION.—Amounts available under subsection (a) shall not be available for purposes as follows:

(A) Research, development, test, and evaluation.

(B) Military construction.

(3) LIMITATIONS ON BONUSES.—

(A) LIMITATION ON BONUS AMOUNT.—The amount of the bonus payable to a civilian employee of a military department under paragraph (1)(A) in any year may not exceed the amount equal to 25 percent of the base pay of the employee in such year.

(B) LIMITATION ON AGGREGATE AMOUNT OF BONUSES.—The total amount of bonuses payable to civilian employees of a military department under paragraph (1)(A) in any year may not exceed $5,000,000.

(C) CONSTRUCTION.—Nothing in paragraph (1)(A) may be construed to authorize or provide for the payment of a bonus to an officer or employee of a contractor of the Department of Defense.

(d) TRANSFERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of a military department may transfer amounts described in subsection (b) that are available under subsection (a) among accounts of the military department for purposes of exercising the authority in subsection (a) with respect to such amounts. Amounts so transferred shall be merged with amounts in the account or fund to which transferred and shall be available under the same terms and conditions as the amounts with which merged for the purposes specified in subsection (c).

(2) NO NEW APPROPRIATION.—A transfer under paragraph (1) shall not be treated as a new appropriation of the amount so transferred.

(e) REPORTS.—

(1) ANNUAL REPORTS.—The Secretary of Defense shall submit to Congress each year (at the same time the budget of the President for a fiscal year is submitted to Congress in such year pursuant to section 1105 of title 31, United States Code) a report on the exercise of the authority under this section during the previous fiscal year. Each report under this subsection shall include, for the fiscal year covered by such report, the following:

(A) The amounts transferred under subsection (d), including the total amount transferred and the amounts transferred to each account to which transferred.

(B) The purposes, and amounts, for which amounts transferred were used.

(2) NOTICE ON PROCUREMENT.—Not later than 30 days before using amounts available under subsection (a) for the procurement of weapons or a weapon system, the Secretary of the military department concerned shall submit to Congress a report, in writing, on the use of such amounts for that purpose. Each report shall include a statement of the weapons or weapon system to be procured and the amount to be used for such procurement.

SEC. 1808. FAILURE TO OBTAIN AUDITS WITH UNQUALIFIED OPINION OF FISCAL YEAR 2014 STATEMENT OF BUDGETARY RESOURCES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—If the Department of Defense fails to obtain an audit with an unqualified opinion on its statement of budgetary resources for fiscal year 2014, the following shall take effect, effective as of the date of the issuance of the opinion on such audit:

(1) ADDITIONAL QUALIFICATIONS AND DUTIES OF USD (COMPTROLLER).—

(A) QUALIFICATIONS.—Any individual nominated for appointment to the position of Under Secretary of Defense (Comptroller) under section 135 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) DUTIES AND POWERS.—The duties and powers of the individual serving as Under Secretary of Defense (Comptroller) shall include, in addition to the duties and powers specified in section 135(c) of title 10, United States Code, such duties and powers with respect to the financial management of the Department of Defense as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(2) ADDITIONAL QUALIFICATIONS AND RESPONSIBILITIES OF ASA FOR FINANCIAL MANAGEMENT.—

(A) QUALIFICATIONS.—Any individual nominated for appointment to the position of Assistant Secretary of the Army for Financial Management under section 3016 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) RESPONSIBILITIES.—The responsibilities of the individual serving as Assistant Secretary of the Army for Financial Management shall include, in addition to the responsibilities specified in section 3016(b)(4) of title 10, United States Code, such responsibilities as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(3) ADDITIONAL QUALIFICATIONS AND RESPONSIBILITIES OF ASN FOR FINANCIAL MANAGEMENT.—

(A) QUALIFICATIONS.—Any individual nominated for appointment to the position of Assistant Secretary of the Navy for Financial Management under section 5016 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) RESPONSIBILITIES.—The responsibilities of the individual serving as Assistant Secretary of the Navy for Financial Management shall include, in addition to the responsibilities specified in section 5016(b)(4) of title 10, United States Code, such responsibilities as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(4) ADDITIONAL QUALIFICATIONS AND RESPONSIBILITIES OF ASAF FOR FINANCIAL MANAGEMENT.—

(A) QUALIFICATIONS.—Any individual nominated for appointment to the position of Assistant Secretary of the Air Force for Financial Management under section 8016 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) RESPONSIBILITIES.—The responsibilities of the individual serving as Assistant Secretary of the Air Force for Financial Management shall include, in addition to the responsibilities specified in section 8016(b)(4) of title 10, United States Code, such responsibilities as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(b) PUBLIC COMPANY DEFINED.—In this section, the term ''public company'' has the meaning given the term ''issuer'' in section 2(a)(7) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)(7)).

SEC. 1809. FAILURE TO OBTAIN AUDITS WITH UNQUALIFIED OPINION OF FISCAL YEAR 2017 FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) MILITARY DEPARTMENTS.—

(1) CESSATION OF AUTHORITIES ON REPROGRAMMING AND AVAILABILITY OF FUNDS.—If a military department fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2017, effective as of the date of the issuance of the opinion on such audit, the authorities in sections 1806 and 1807 shall cease to be available to the military department for fiscal year 2017 or any fiscal year thereafter.

(2) PROHIBITION ON EXPENDITURE OF FUNDS FOR CERTAIN MDAPS PAST MILESTONE B.—

(A) PROHIBITION.—If a military department fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2017, effective as of the date of the issuance of the opinion on such audit, amounts may not be expended by the military department for a weapon or weapon system or platform being acquired as a major defense acquisition program for any activity beyond Milestone B approval unless such program has already achieved Milestone B approval of the date of the issuance of the opinion on such audit.

(B) DEFINITIONS.—In this paragraph:

(i) The term ''major defense acquisition program'' has the meaning given that term in section 2430 of title 10, United States Code.

(ii) The term ''Milestone B approval'' has the meaning given that term in section 2366(e)(7) of title 10, United States Code.

(b) DEPARTMENT OF DEFENSE.—If the Department of Defense fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2017, the following shall take effect, effective as of the date of the issuance of the opinion on such audit:

(1) REORGANIZATION OF RESPONSIBILITIES OF CHIEF MANAGEMENT OFFICER.—

(A) POSITION OF CHIEF MANAGEMENT OFFICER.—Section 132a of title 10, United States Code, is amended to read as follows:

''§ 132a. Chief Management Officer

''(a) IN GENERAL.—(1) There is a Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(2) Any individual nominated for appointment as Chief Management Officer shall be an individual who has—

''(A) extensive executive level leadership and management experience in the public or private sector;

''(B) strong leadership skills;

''(C) a demonstrated ability to manage large and complex organizations; and

''(D) a proven record in achieving positive operational results.

''(b) POWERS AND DUTIES.—The Chief Management Officer shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

''(c) SERVICE AS CHIEF MANAGEMENT OFFICER.—(1) The Chief Management Officer is the Chief Management Officer of the Department of Defense.

''(2) In serving as the Chief Management Officer of the Department of Defense, the Chief Management Officer shall be responsible for the management and administration of the Department of Defense with respect to the following:

''(A) The expenditure of funds, accounting, and finance.

''(B) Procurement, including procurement of any enterprise resource planning (ERP) system and any information technology (IT) system that is a financial feeder system, human resources system, or logistics system.

''(C) Facilities, property, nonmilitary equipment, and other resources.

''(D) Strategic planning, and annual performance planning. and identification and tracking of performance measures.

''(E) Internal audits and management analyses of the programs and activities of the Department, including the Defense Contract Audit Agency.

''(F) Such other areas or matters as the Secretary of Defense may designate.

''(3) The head of the Defense Contract Audit Agency shall be under the supervision of, and shall report directly to, the Chief Management Officer.

''(d) PRECEDENCE.—The Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 131(b) of title 10, United States Code, is amended—

(I) by striking paragraph (3);

(II) by redesignating paragraph (2) as paragraph (3); and

(III) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Chief Management Officer of the Department of Defense.''.

(ii) Section 132 of such title is amended—

(I) by striking subsection (c); and

(II) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(iii) Section 133(e)(1) of such title is amended by striking ''and the Deputy Secretary of Defense'' and inserting '', the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense''.

(iv) Such title is further amended by inserting ''the Chief Management Officer of the Department of Defense,'' after ''the Deputy Secretary of Defense,'' each place it appears in the provisions as follows:

(I) Section 133(e)(2).

(II) Section 134(c).

(v) Section 137a(d) of such title is amended by striking ''the Secretaries of the military departments,'' and all that follows and inserting ''the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.''.

(vi) Section 138(d) of such title is amended by striking ''the Secretaries of the military departments,'' and all that follows through the period and inserting ''the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Director of Defense Research and Engineering.''.

(C) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item:

''132a. Chief Management Officer.''.

(D) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Chief Management Officer of the Department of Defense.''.

(E) REFERENCE IN LAW.—Any reference in any provision of law to the Chief Management Officer of the Department of Defense shall be deemed to refer to the Chief Management Officer of the Department of Defense under section 132a of title 10, United States Code (as amended by this paragraph).

(2) JURISDICTION OF DFAS.—

(A) TRANSFER TO DEPARTMENT OF TREASURY.—Jurisdiction of the Defense Finance and Accounting Service (DFAS) is transferred from the Department of Defense to the Department of the Treasury.

(B) ADMINISTRATION.—The Secretary of the Treasury shall administer the Defense Finance and Accounting Service following transfer under this paragraph through the Financial Management Service of the Department of Treasury.

(C) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense and the Secretary of the Treasury shall jointly enter into a memorandum of understanding regarding the transfer of jurisdiction of the Defense Finance and Accounting Service under this paragraph. The memorandum of understanding shall provide for the transfer of the personnel and other resources of the Service to the Department of the Treasury and for the assumption of responsibility for such personnel and resources by the Department of the Treasury.

(D) CONSTRUCTION.—Nothing in this paragraph shall be construed as terminating, altering, or revising any responsibilities or authorities of the Defense Finance and Accounting Service (other than responsibilities and authorities in connection with the exercise of jurisdiction of the Service following transfer under this paragraph).

SEC. 1810. ENTERPRISE RESOURCE PLANNING.

The Secretary of Defense shall amend the acquisition guidance of the Department of Defense to provide for the following:

(1) The Defense Business System Management Committee may not approve procurement of any Enterprise Resource Planning (ERP) business system that is independently estimated to take longer than three years to procure from initial obligation of funds to full deployment and sustainment.

(2) Any contract for the acquisition of an Enterprise Resource Planning business system shall include a provision authorizing termination of the contract at no cost to the Government if procurement of the system takes longer than three years from initial obligation of funds to full deployment and sustainment.

(3) The Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) shall have the authority to replace any program manager (whether in a military department or a Defense Agency) for the procurement of an Enterprise Resource Planning business system if procurement of the system takes longer than three years from initial obligation of funds to full deployment and sustainment.

(4) Any integrator contract for the implementation of an Enterprise Resource Planning business system shall only be awarded to companies that have a history of successful implementation of other Enterprise Resource Planning business systems for the Federal Government (whether with the Department of Defense or another department or agency of the Federal Government), including meeting cost and schedule goals.

SA 3112. Mr. BROWN of Ohio (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

SEC. 735. INCLUSION OF DEPARTMENT OF VETERANS AFFAIRS IN VISION CENTER OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF MILITARY EYE INJURIES.

(a) IN GENERAL.—Subsection (a) of section 1623 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended by striking ''shall establish within the Department of Defense'' and inserting

''and the Secretary of Veterans Affairs shall jointly provide for''.

(b) PARTNERSHIPS.—Subsection (b) of such section is amended by striking ''Secretary shall ensure that the center collaborates to the maximum extent practicable with the Secretary of Veterans Affairs,'' and inserting ''Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that the center collaborates to the maximum extent practicable with the Department of Defense, the Department of Veterans Affairs,''.

(c) RESPONSIBILITIES.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking '', as developed by the Secretary of Defense,'' and inserting ''and the Department of Veterans Affairs'';

(B) by inserting ''the Secretary of Defense and'' before ''the Secretary of Veterans Affairs'' each place it appears; and

(C) in subparagraph (C), by striking ''the Veterans Health Administration'' and inserting ''the Department of Defense or the Department of Veterans Affairs''; and

(2) in paragraph (2), by striking ''Military Eye Injury Registry'' and inserting ''Defense and Veterans Eye Injury Registry''.

(d) INCLUSION OF CERTAIN RECORDS IN REGISTRY.—Subsection (e) of such section is amended by striking ''the Secretary considers'' and inserting ''the Secretary of Defense and the Secretary of Veterans Affairs jointly consider''.

SA 3113. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 888. SMALL BUSINESS HUBZONES.

(a) DEFINITION.—In this section, the term ''covered base closure area'' means a base closure area that, on or before the date of enactment of this Act, was treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note).

(b) TREATMENT AS HUBZONE.—A covered base closure area shall be treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) during the 5-year period beginning on the date of enactment of this Act.

SA 3114. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1246. PROGRAM ON REPAIR, OVERHAUL, AND REFURBISHMENT OF DEFENSE ARTICLES FOR SALE OR TRANSFER TO ELIGIBLE FOREIGN COUNTRIES AND ENTITIES.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to repair, overhaul, or refurbish in-stock defense articles in anticipation of the sale or transfer of such defense articles to eligible foreign countries or international organizations under law.

(b) FUND FOR SUPPORT OF PROGRAM AUTHORIZED.—The Secretary of Defense may establish and administer a fund to be known as the ''Special Defense Repair Fund'' (in this section referred to as the ''Fund'') to support the program authorized by subsection (a).

(c) CREDITS TO FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the following shall be credited to the Fund:

(A) Subject to applicable provisions of appropriations Acts, such amounts, not to exceed $48,400,000 per fiscal year, from amounts authorized to be appropriated for the Department of Defense for operation and maintenance for the Army as the Secretary of Defense considers appropriate.

(B) Notwithstanding section 114(c) of title 10, United States Code, any collection from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are not intended to be replaced which sale or transfer is made pursuant to section 21(a)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(a)(1)(A)), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or another provision of law.

(C) Notwithstanding section 37(a) of the Arms Export Control Act (22 U.S.C. 2777(a)), any cash payment from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are intended to be replaced.

(2) LIMITATION ON AMOUNTS CREDITABLE FROM SALE OR TRANSFER OF ARTICLES.—

(A) CREDITS IN CONNECTION WITH ARTICLES NOT TO BE REPLACED.—The amount credited to the Fund under paragraph (1)(B) in connection with a collection from the sale or transfer of defense articles may not exceed the cost incurred by the Department of Defense in repairing, overhauling, or refurbishing such defense articles under the program authorized by subsection (a).

(B) CREDITS IN CONNECTION WITH ARTICLES TO BE REPLACED.—The amount credited to the Fund under paragraph (1)(C) in connection with a sale or transfer of defense articles may not exceed the amounts from the Fund used to repair, overhaul, or refurbish such defense articles.

(3) LIMITATION ON SIZE OF FUND.—The total amount in the Fund at any time may not exceed $50,000,000.

(4) TREATMENT OF AMOUNTS CREDITED.—Amounts credited to the Fund under this subsection shall be merged with amounts in the Fund, and shall remain available until expended.

(d) NONAVAILABILITY OF AMOUNTS IN FUND FOR STORAGE, MAINTENANCE, AND RELATED COSTS.—Following the repair, overhaul, or refurbishment of defense articles under the program authorized by subsection (a), amounts in the Fund may not be used to pay costs of storage and maintenance of such defense articles or any other costs associated with the preservation or preparation for sale or transfer of such defense articles.

(e) SALES OR TRANSFERS OF DEFENSE ARTICLES.—

(1) IN GENERAL.—Any sale or transfer of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a) shall be in accordance with—

(A) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(B) the Foreign Assistance Act of 1961; or

(C) another provision of law authorizing such sale or transfer.

(2) SECRETARY OF STATE CONCURRENCE REQUIRED FOR CERTAIN SALES OR TRANSFERS TO FOREIGN COUNTRIES.—If the sale or transfer of defense articles occurs in accordance with a provision of law referred to in paragraph (1)(C) that does not otherwise require the concurrence of the Secretary of State for the sale or transfer, the sale or transfer may be made only with the concurrence of the Secretary of State.

(f) TRANSFERS OF AMOUNTS.—

(1) TRANSFER TO OTHER DEPARTMENT OF DEFENSE ACCOUNTS.—Amounts in the Fund may be transferred to any Department of Defense account used to carry out the program authorized by subsection (a). Any amount so transferred shall be merged with amounts in the account to which transferred, and shall be available for the same purposes and the same time period as amounts in the account to which transferred.

(2) TRANSFER FROM OTHER DEPARTMENT OF DEFENSE ACCOUNTS.—Upon a determination by the Secretary of Defense with respect to an amount transferred under paragraph (1) that all or part of such transfer is not necessary for the purposes transferred, such amount may be transferred back to the Fund. Any amount so transferred shall be merged with amounts in the Fund, and shall remain available until expended.

(g) CERTAIN EXCESS PROCEEDS TO BE CREDITED TO SPECIAL DEFENSE ACQUISITION FUND.—Any collection from the sale or transfer of defense articles that are not intended to be replaced in excess of the amount creditable to the Fund under subsection (c)(2)(A) shall be credited to the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.).

(h) REPORTS.—

(1) ANNUAL REPORT.—Not later than 45 days after the end of each fiscal year through the date of expiration specified in subsection (j), the Secretary of Defense shall submit to the congressional defense committees a report on the authorities under this section during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(A) The types and quantities of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a).

(B) The value of the repair, overhaul, or refurbishment performed under the program.

(C) The amount of operation and maintenance funds credited to the Fund under subsection (c)(1)(A).

(D) The amount of any collections from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(B).

(E) The amount of any cash payments from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(C).

(2) ASSESSMENT REPORT.—Not later than February 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the operation of the authorities in this section. The report shall include an assessment of the effectiveness of the authorities in meeting the objectives of the program authorized by subsection (a).

(i) DEFENSE ARTICLE DEFINED.—In this section, the term ''defense article'' has the meaning given that term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)).

(j) EXPIRATION OF AUTHORITY.—The authority to carry out the program authorized by subsection (a), and to use amounts in the Fund in support of the program, shall expire on September 30, 2015.

(k) FUNDING FOR FISCAL YEAR 2013.—Of the amounts authorized to be appropriated for fiscal year 2013 by section 1504 for Overseas Contingency Operations and available for operation and maintenance for the Army as specified in funding table in section 4302, $48,400,000 shall be available for deposit in the Fund pursuant to subsection (c)(1)(A), with the amount of the deposit to be attributable to amounts otherwise so available for the YMQ–18A unmanned aerial vehicle, which has been cancelled.

SA 3115. Mr. UDALL of Colorado (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1032. DISPOSITION OF COVERED PERSONS DETAINED IN THE UNITED STATES PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

Section 1021 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1562; 10 U.S.C. 801 note) is amended—

(1) in subsection (c), by striking ''The disposition''and inserting ''Except as provided in subsection (g), the disposition''; and

(2) by adding at the end the following new subsections:

''(g) DISPOSITION OF COVERED PERSONS DETAINED IN THE UNITED STATES.—

''(1) PERSONS DETAINED PURSUANT TO THIS ACT, THE AUTHORIZATION FOR USE OF MILITARY FORCE, OR THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—In the case of a covered person who is detained in the United States pursuant to this Act, the Authorization for Use of Military Force, or the National Defense Authorization Act for Fiscal Year 2013, disposition under the law of war shall occur immediately upon the person coming into custody of the United States Government and shall only mean the immediate transfer of the person for trial and proceedings with all the due process rights as provided for under the Constitution of the United States.

''(2) PROHIBITION ON TRANSFER TO MILITARY CUSTODY.—No person detained, captured, or arrested in the United States, or a territory or possession of the United States, may be transferred to the custody of the Armed Forces for detention under this Act, the Authorization for Use of Military Force, or the National Defense Authorization Act for Fiscal Year 2013.

''(h) RULE OF CONSTRUCTION.—This section shall not be construed to authorize the detention of a person within the United States, or a territory or possession of the United States, under this Act, the Authorization for Use of Military Force, or the National Defense Authorization Act for Fiscal Year 2013.''.

SEC. 1033. REPEAL OF REQUIREMENT FOR MILITARY CUSTODY.

(a) REPEAL.—Section 1022 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1563; 10 U.S.C. 801 note) is hereby repealed.

(b) CONFORMING AMENDMENT.—Section 1029(b) of such Act (125 Stat. 1570) is amended by striking ''applies to'' and all that follows through ''any other person'' and inserting ''applies to any person''.

SA 3116. Mr. UDALL of Colorado (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1032. CLARIFICATION OF RULE OF CONSTRUCTION APPLICABLE TO AFFIRMATION OF AUTHORITY FOR THE ARMED FORCES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

Section 1021(e) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1562; 10 U.S.C. 801 note) is amended—

(1) by striking ''in this section'' and inserting ''in this Act or the Authorization for Use of Military Force''; and

(2) by striking ''to affect existing law or authorities relating to'' and inserting ''to authorize''.

SA 3117. Mr. HATCH (for himself, Mr. CHAMBLISS, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 322. INCLUSION OF SENIOR OFFICIALS AT AIR LOGISTICS COMPLEXES IN RATING CHAINS FOR SYSTEM PROGRAM MANAGERS.

Notwithstanding any other provision of law, the rating chain for a system program manager may include, at any level, any senior official located at an Air Logistics Complex where the system program manager is based.

SA 3118. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 888. FEDERAL PRISON INDUSTRIES.

(a) PURCHASE OF PRISON-MADE PRODUCTS BY FEDERAL DEPARTMENTS.—

(1) REPEAL OF PURCHASE REQUIREMENT.—Section 4124 of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) by striking ''shall purchase'' and inserting ''may purchase''; and

(ii) by inserting ''and services'' after ''such products''; and

(B) in subsection (c), by striking ''subject to the requirements of subsection (a)'' and inserting ''that purchases such products or services of the industries authorized by this chapter''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 8504(b) of title 41, United States Code, is amended by striking ''and that is required under section 4124 of title 18 to be procured from that industry''.

(b) PROHIBITION ON AWARD OF CERTAIN CONTRACTS TO FEDERAL PRISON INDUSTRIES, INC..—Notwithstanding any other provision of law, a Federal agency may not award a contract to Federal Prison Industries after competition restricted to small business concerns under section 15 of the Small Business Act (15 U.S.C. 644) or the program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(c) SHARE OF INDEFINITE DELIVERY/INDEFINITE QUANTITY CONTRACTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to require that if the head of an executive agency reduces the quantity of items to be delivered under an indefinite delivery/indefinite quantity contract to which Federal Prison Industries is a party, the head of the executive agency shall reduce Federal Prison Industries's share of the items to be delivered under the contract by the same percentage by which the total number of items to be delivered under the contract from all sources is reduced.

(2) DEFINITIONS.—In this subsection—

(A) the term ''executive agency'' has the meaning given the term in section 133 of title 41, United States Code; and

(B) the term ''Federal Acquisition Regulatory Council'' means the Federal Acquisition Regulatory Council established under section 1302(a) of title 41, United States Code.

SA 3119. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. IMPROVED ENUMERATION OF MEMBERS OF THE ARMED FORCES IN ANY TABULATION OF TOTAL POPULATION BY SECRETARY OF COMMERCE.

(a) IN GENERAL.—Section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) Effective beginning with the 2020 decennial census of population, in taking any tabulation of total population by States, the Secretary shall take appropriate measures to ensure, to the maximum extent practicable, that all members of the Armed Forces deployed abroad on the date of taking such tabulation are—

''(1) fully and accurately counted; and

''(2) properly attributed to the State in which their residence at their permanent

duty station or homeport is located on such date.''.

(b) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to affect the residency status of any member of the Armed Forces under any provision of law other than title 13, United States Code.

SA 3120. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF CONGRESS REGARDING SPECTRUM REALLOCATION.

It is the sense of Congress that—

(1) the Nation's mobile communications industry is a significant economic engine, by one estimate directly or indirectly supporting 3,800,000 jobs, or 2.6 percent of all United States employment, contributing $195,500,000,000 to the United States gross domestic product and driving $33,000,000,000 in productivity improvements in 2011;

(2) while wireless carriers are continually implementing new and more efficient technologies and techniques to maximize their existing spectrum capacity, there is a pressing need for additional spectrum for commercial mobile broadband services, with one report predicting that global mobile data traffic will increase 18-fold between 2011 and 2016 at a compound annual growth rate of 78 percent, reaching 10.8 exabytes per month by 2016;

(3) as the Nation faces the current spectrum shortage, consideration should be given to both the supply of spectrum for licensed networks and for unlicensed devices;

(4) while this additional demand can be met in part by reallocating spectrum from existing non-governmental uses, the reallocation of Federal Government spectrum for commercial use must also be part of the solution, given that, according to a 2012 Government Accountability Office study, the percentage of the most highly valued spectrum, that below 3700 MHz, used exclusively or predominantly by the Federal Government ranges from approximately 39 percent to 57 percent with exclusive Government use accounting for 18 percent of the total amount of spectrum below 3700 MHz;

(5) existing law ensures that Federal operations are not harmed as a result of a reallocation of spectrum for commercial use, including through the establishment of the Spectrum Relocation Fund to reimburse Federal users for the costs of planning and implementing relocation and, with respect to spectrum vacated by the Department of Defense, certification by the Secretaries of Defense and Commerce and the Chairman of the Joint Chiefs of Staff that replacement spectrum provides comparable technical characteristics to restore essential military capability;

(6) wherever possible, Federal Government spectrum identified for commercial use should be reallocated for such use;

(7) commercial users should only be required to share spectrum with government users as a transition mechanism while spectrum is being cleared by Federal users or in limited exclusion zones where relocation of existing Federal uses is not feasible, or where it can be determined that sharing will not significantly impair use of the spectrum for broadband services;

(8) among existing Federal Government bands, the spectrum between 1755–1780 MHz is particularly well-suited for reallocation to commercial use because it is identified internationally for commercial mobile services and is used for that purpose throughout most of the world and because it is immediately adjacent to existing domestic wireless spectrum and would fit seamlessly into the current mobile broadband spectrum portfolio allowing for more immediate equipment development and deployment;

(9) the Department of Defense should prepare a long term plan in consultation with relevant agencies and private sector stakeholders to determine equitable outcomes for the Nation in relation to spectrum use that balances the private sector's demand for spectrum with national security needs;

(10) in most cases Federal operations can and should be relocated from this band, possibly except for a limited subset of operations in rural areas where a Federal Government station cannot be relocated without jeopardizing essential military capability;

(11) auctioning this band on a paired basis with the band between 2155–2180 MHz that was designated for auction under the Middle Class Tax Relief and Job Creation Act of 2012 would permit alignment with existing services, facilitate faster deployment of services, maximize efficient use of the spectrum, and yield more dollars in auction revenues than if the 1755–1780 MHz were auctioned by itself;

(12) the President should therefore expeditiously direct Federal users on the 1755–1780 MHz band to prepare, not later than May 31, 2013, a relocation plan that includes the costs of relocating from this band; and

(13) the Federal Communications Commission reallocate this band to commercial use and auction it on a paired basis with the band between 2155–2180 MHz.

SA 3121. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following:

SEC. 2844. ADDITIONAL EXEMPTIONS FROM CERTAIN REQUIREMENTS APPLICABLE TO FUNDING FOR DATA SERVERS AND CENTERS.

Section 2867(c) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1706; 10 U.S.C. 2223a note) is amended—

(1) by striking ''EXCEPTION.—The Chief'' and inserting the following: ''EXCEPTIONS.—

''(1) EXEMPTION AUTHORITY.—The Chief''; and

(2) by inserting at the end the following new paragraph:

''(2) HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.—This section does not apply to the high performance computing modernization program.''.

SA 3122. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1246. SENSE OF THE SENATE ON THE ISRAELI IRON DOME DEFENSIVE WEAPON SYSTEM.

(a) FINDINGS.—The Senate makes the following findings:

(1) The citizens of Israel have suffered under a continual barrage of missiles, rockets, and mortar shells from the Hamas-controlled Gaza Strip.

(2) Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization.

(3) Hamas and other terrorist groups in Gaza have routinely used human shields and launched rockets from civilian areas.

(4) Israel has gone to extraordinary lengths to avoid Palestinian civilian casualties, including aborting attacks on military targets because of the presence of civilians, alerting civilians to leave areas of potential conflict, and allowing the importation of medical and other supplies into Gaza.

(5) Israel faces additional rocket and missile threats from Lebanon and Syria.

(6) The Government of Iran has supplied Hamas with advanced longer range missiles such as the Fajar–5.

(7) Hamas has deployed these weapons to be fired from within their own civilian population.

(8) The Government of Israel, taking seriously the threat of short range rockets and mortars, designed, developed, and produced the Iron Dome system to address those threats.

(9) The Iron Dome system has successfully intercepted hundreds of rockets targeting population centers in Israel.

(10) The Iron Dome system has maintained a success rate of close to 90 percent.

(11) The Government of Israel currently maintains 5 Iron Dome batteries, a number insufficient to protect all of Israel.

(12) It appears that approximately 10 additional Iron Dome batteries are needed to protect all of Israel.

(13) The United States Government, recognizing the threat to Israeli citizens and desirous of promoting peace, approved funding to assist the Government of Israel in procuring Iron Dome batteries.

(14) Israel maintains a significant inventory of Iron Dome interceptors which has been reduced due to attacks from Gaza.

(15) Israel used a significant number of precision-guided munitions in order to destroy military targets while minimizing civilian casualties in its recent defensive effort in Gaza.

(16) President Barack Obama has expressed his intention to seek additional funding for Iron Dome and other United States-Israel missile defense systems.

(b) SENSE OF THE SENATE.—The Senate—

(1) reaffirms its commitment to the security of our ally and strategic partner, Israel;

(2) fully supports Israel's right to defend itself against acts of terrorism;

(3) sympathizes with the families of Israelis who have come under the indiscriminate rocket fire from Hamas-controlled Gaza;

(4) recognizes the exceptional success of the Iron Dome Missile Defense system in defending the population of Israel;

(5) desires to help ensure that Israel has the means to defend itself against terrorist attacks, including through the acquisition of additional Iron Dome batteries and interceptors; and

(6) urges the Departments of Defense and State to explore with their Israeli counterparts and alert the Senate of any needs the

Israeli Defense Force may have for additional Iron Dome batteries, interceptors, or other equipment depleted during the current conflict.

SA 3123. Mr. KYL (for himself, Mr. LIEBERMAN, Mr. INHOFE, Mr. RISCH, Mr. LUGAR, Mr. DEMINT, Mr. CORNYN, Mr. RUBIO, Mr. WICKER, Ms. AYOTTE, Ms. COLLINS, Mr. SESSIONS, Mr. VITTER, and Mr. CORKER) proposed an amendment to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1064. BRIEFINGS AND CONSULTATIONS ON THE MILITARY IMPLICATIONS OF PROPOSALS OF THE UNITED STATES AND RUSSIA UNDER CONSIDERATION IN NEGOTIATIONS ON NUCLEAR ARMS, MISSILE DEFENSE, AND LONG-RANGE CONVENTIONAL STRIKE SYSTEM MATTERS.

(a) BRIEFINGS AND CONSULTATIONS.—

(1) BRIEFINGS.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter, the Secretary of Defense shall, in coordination with the Chairman of the Joint Chiefs of Staff, provide to the appropriate committees of Congress a briefing on the military and strategic implications of any offer or proposal, by either the Russian Federation or the United States, to limit or control nuclear arms, missile defense systems, or long-range conventional strike systems, including any proposal as part of formal negotiations between the two countries or otherwise exchanged between official entities of the two countries.

(2) BASIS OF QUARTERLY CONSULTATIONS.—The briefings under paragraph (1) shall serve as the basis for quarterly consultations to be provided by the Secretary to the appropriate committees of Congress on any current proposals described in that paragraph.

(b) SENSE OF CONGRESS.—It is the sense of Congress that any agreement of the United States with the Russian Federation related to missile defense, nuclear weapons, or long-range conventional strike systems that would limit, constrain, or reduce the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section, 2, clause 2, of the Constitution of the United States, as consistent with section 303(b) of the Arms Control and Disarmament Act.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 3124. Mr. BLUMENTHAL (for himself, Mr. PORTMAN, Mr. LIEBERMAN, Ms. COLLINS, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. LAUTENBERG, Mrs. HUTCHISON, Mr. RUBIO, Mr. BEGICH, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

Subtitle F—Ending Trafficking in Government Contracting

SEC. 891. SHORT TITLE.

This subtitle may be cited as the ''End Trafficking in Government Contracting Act of 2012''.

SEC. 892. DEFINITIONS.

In this subtitle:

(1) COMMERCIAL SEX ACT.—The term ''commercial sex act'' has the meaning given the term in section 22.1702 of the Federal Acquisition Regulation (or any similar successor regulation) .

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 133 of title 41, United States Code.

(3) SUBCONTRACTOR.—The term ''subcontractor'' means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.

(4) SUBGRANTEE.—The term ''subgrantee'' means a recipient of a grant at any tier under a grant or cooperative agreement.

(5) UNITED STATES.—The term ''United States'' has the meaning provided in section 103(12) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(12)).

SEC. 893. CONTRACTING REQUIREMENTS.

(a) IN GENERAL.—Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is amended by striking ''if the grantee or any subgrantee,'' and all that follows through the period at the end and inserting the following: ''or take any of the other remedial actions authorized under section 895(c) of the End Trafficking in Government Contracting Act of 2012, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in—

''(i) severe forms of trafficking in persons;

''(ii) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect;

''(iii) the use of forced labor in the performance of the grant, contract, or cooperative agreement, or

''(iv) acts that directly support or advance trafficking in persons, including the following acts:

''(I) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents without the employee's consent.

''(II) Failing to pay return transportation costs to an employee upon the end of employment, unless—

''(aa) exempted from the duty to repatriate by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

''(bb) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.

''(III) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.

''(IV) Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee's monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited.

''(V) Providing or arranging housing that fails to meet the host country housing and safety standards.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 894. COMPLIANCE PLAN AND CERTIFICATION REQUIREMENT.

(a) REQUIREMENT.—The head of an executive agency may not provide or enter into a grant, contract, or cooperative agreement if the estimated value of the services required to be performed under the grant, contract, or cooperative agreement outside the United States exceeds $500,000, unless a duly designated representative of the recipient of such grant, contract, or cooperative agreement certifies to the contracting or grant officer prior to receiving an award and on an annual basis thereafter, after having conducted due diligence, that—

(1) the recipient has implemented a plan to prevent the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3, and is in compliance with that plan;

(2) the recipient has implemented procedures to prevent any activities described in such section 106(g) and to monitor, detect, and terminate any subcontractor, subgrantee, or employee of the recipient engaging in any activities described in such section; and

(3) to the best of the representative's knowledge, neither the recipient, nor any subcontractor or subgrantee of the recipient or any agent of the recipient or of such a subcontractor or subgrantee, is engaged in any of the activities described in such section.

(b) LIMITATION.—Any plan or procedures implemented pursuant to subsection (a) shall be appropriate to the size and complexity of the grant, contract, or cooperative agreement and to the nature and scope of its activities, including the number of non-United States citizens expected to be employed.

(c) DISCLOSURE.—The recipient shall provide a copy of the plan to the contracting or grant officer upon request, and as appropriate, shall post the useful and relevant contents of the plan or related materials on its website and at the workplace.

(d) GUIDANCE.—The President, in consultation with the Secretary of State, the Attorney General, the Secretary of Defense, the Secretary of Labor, the Secretary of Homeland Security, the Administrator for the United States Agency for International Development, and the heads of such other executive agencies as the President deems appropriate, shall establish minimum requirements for contractor plans and procedures to be implemented pursuant to this section.

(e) REGULATIONS.—Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to carry out the purposes of this section.

(f) EFFECTIVE DATE.—The requirements under subsection (a) and (c) shall apply to grants, contracts, and cooperative agreements entered into on or after the date that is 90 days after the Federal Acquisition Regulation is amended pursuant to subsection (e).

SEC. 895. MONITORING AND INVESTIGATION OF TRAFFICKING IN PERSONS.

(a) REFERRAL AND INVESTIGATION.—

(1) REFERRAL.—If the contracting or grant officer of an executive agency for a grant,

contract, or cooperative agreement receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, including a report from a contracting officer representative, an auditor, an alleged victim or victim's representative, or any other credible source, the contracting or grant officer shall promptly refer the matter to the agency's Office of Inspector General for investigation. The contracting officer may also direct the contractor to take specific steps to abate an alleged violation or enforce the requirements of a compliance plan implemented pursuant to section 894.

(2) INVESTIGATION.—Where appropriate, an Inspector General who receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, pursuant to a referral under paragraph (1) or otherwise, shall promptly initiate an investigation of the matter. In the event that an Inspector General does not initiate an investigation, the Inspector General shall provide an explanation for the decision not to investigate.

(3) CRIMINAL INVESTIGATION.—If the matter is referred to the Department of Justice for criminal prosecution, the Inspector General may suspend any investigation under this subsection pending the outcome of the criminal prosecution. If the criminal investigation results in an indictment of the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, the Inspector General shall notify the head of the executive agency that awarded the contract, grant, or cooperative agreement of the indictment. If the criminal investigation results in a decision not to prosecute, the Inspector General shall resume any investigation that was suspended pursuant to this paragraph.

(b) REPORT AND DETERMINATION.—

(1) REPORT.—Upon completion of an investigation under subsection (a), the Inspector General shall submit a report on the investigation, including conclusions about whether the recipient of a grant, contract, or cooperative agreement; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, to the head of the executive agency that awarded the contract, grant, or cooperative agreement.

(2) DETERMINATION.—Upon receipt of an Inspector General's report pursuant to paragraph (1), the head of the executive agency shall make a written determination whether the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.

(c) REMEDIAL ACTIONS.—

(1) IN GENERAL.—If the head of an executive agency determines pursuant to subsection (b)(2) that the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, or is notified of an indictment for an offense under subsection (a)(3), the head of agency shall consider taking one or more of the following remedial actions:

(A) Requiring the recipient to remove an employee from the performance of work under the grant, contract, or cooperative agreement.

(B) Requiring the recipient to terminate a subcontract or subgrant.

(C) Suspending payments under the grant, contract, or cooperative agreement until such time as the recipient of the grant, contract, or cooperative agreement has taken appropriate remedial action.

(D) Withholding award fees, consistent with the award fee plan, for the performance period in which the agency determined the contractor or subcontractor engaged in any of the activities described in such section 106(g).

(E) Declining to exercise available options under the contract.

(F) Terminating the contract for default or cause, in accordance with the termination clause for the contract.

(G) Referring the matter to the agency suspension and debarment official.

(2) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as limiting the scope of applicable remedies available to the Federal Government.

(3) MITIGATING FACTOR.—Where applicable, the head of an executive agency may consider whether the contractor or grantee had a plan in place under section 894, and was in compliance with that plan at the time of the violation, as a mitigating factor in determining which remedies, if any, should apply.

(4) AGGRAVATING FACTOR.—Where applicable, the head of an executive agency may consider the failure of a contractor or grantee to abate an alleged violation or enforce the requirements of a compliance plan when directed by a contracting officer pursuant to subsection (a)(1) as an aggravating factor in determining which remedies, if any, should apply.

(d) INCLUSION OF REPORT CONCLUSIONS IN FAPIIS.—

(1) IN GENERAL.—The head of an executive agency shall ensure that any written determination under subsection (b) is included in the Federal Awardee Performance and Integrity Information System (FAPIIS).

(2) AMENDMENT TO TITLE 41, UNITED STATES CODE.—Section 2313(c)(1)(E) of title 41, United States Code, is amended to read as follows:

''(E) In an administrative proceeding—

''(i) a final determination of contractor fault by the Secretary of Defense pursuant to section 823(d) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2302 note; Public Law 111–84); or

''(ii) a final determination, pursuant to section 895(b)(2) of the End Trafficking in Government Contracting Act of 2012, that the contractor, a subcontractor, or an agent of the contractor or subcontractor engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)).''.

SEC. 896. NOTIFICATION TO INSPECTORS GENERAL AND COOPERATION WITH GOVERNMENT.

(a) IN GENERAL.—The head of an executive agency making or awarding a grant, contract, or cooperative agreement shall require that the recipient of the grant, contract, or cooperative agreement—

(1) immediately inform the Inspector General of the executive agency of any information it receives from any source that alleges credible information that the recipient; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, has engaged in conduct described in section 106(g) of the Trafficking in Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3 of this Act; and

(2) fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 897. EXPANSION OF FRAUD IN FOREIGN LABOR CONTRACTING TO INCLUDE WORK OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Section 1351 of title 18, United States Code, is amended—

(1) by striking ''Whoever knowingly'' and inserting ''(a) WORK INSIDE THE UNITED STATES.—Whoever knowingly''; and

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

''(b) WORK OUTSIDE THE UNITED STATES.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States or causes another person to recruit, solicit, or hire a person outside the United States, or attempts to do so, for purposes of employment performed on a United States Government contract performed outside the United States, or on a United States military installation or mission outside the United States or other property or premises outside the United States owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both.''.

(b) SPECIAL RULE FOR ALIEN VICTIMS.—No alien may be admitted to the United States pursuant to subparagraph (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as a result of the alien being a victim of a crime described in subsection (b) of section 1351 of title 18, United States Code, as added by subsection (a).

SEC. 898. IMPROVING DEPARTMENT OF DEFENSE ACCOUNTABILITY FOR REPORTING TRAFFICKING IN PERSONS CLAIMS AND VIOLATIONS.

Section 105(d)(7)(H) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) by redesignating clause (iii) as clause (iv);

(3) by inserting after clause (ii) the following new clause:

''(iii) all known trafficking in persons cases reported to the Under Secretary of Defense for Personnel and Readiness;'';

(4) in clause (iv), as redesignated by paragraph (2), by inserting ''and'' at the end after the semicolon; and

(5) by adding at the end the following new clause:

''(v) all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics;''.

SEC. 899. RULES OF CONSTRUCTION.

(a) LIABILITY.—Excluding section 897, nothing in this subtitle shall be construed to supersede, enlarge, or diminish the common law or statutory liabilities of any grantee, subgrantee, contractor, subcontractor, or

other party covered by section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.

(b) AUTHORITY OF DEPARTMENT OF JUSTICE.—Nothing in this subtitle shall be construed as diminishing or otherwise modifying the authority of the Attorney General to investigate activities covered by this subtitle.

(c) PROSPECTIVE EFFECT.—Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to apply to a contract or grant entered into or renewed before the date of the enactment of this subtitle.

SA 3125. Mr. BLUMENTHAL (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 314. LIMITED DECONTAMINATION AUTHORITY FOR PORTIONS OF FORMER NAVAL BOMBARDMENT AREA, CULEBRA ISLAND, PUERTO RICO.

(a) DECONTAMINATION AUTHORITY.—Notwithstanding section 204(c) of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668), and paragraph 9 of the quitclaim deed relating to the transfer of the former bombardment area on the island of Culebra in the Commonwealth of Puerto Rico, the Secretary of Defense may authorize and conduct activities for the removal of unexploded ordnance and munitions scrap from those portions of the former bombardment area that were explicitly identified as having regular public access in the Department of Defense study entitled ''Study Relating to the Presence of Unexploded Ordnance in a Portion of the Former Naval Bombardment Area of Culebra Island, Commonwealth of Puerto Rico'' and dated April 20, 2012, which was prepared in accordance with section 2815 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4464).

(b) EXCEPTIONS.—In authorizing and conducting activities for the removal of unexploded ordnance and munitions scrap within the transferred former bombardment area, as authorized by subsection (a), the Secretary of Defense may exclude areas of dense vegetation and steep terrain that—

(1) make public access difficult and public use infrequent; and

(2) would severely hamper the effectiveness and increase the cost of removal activities.

(c) DEFINITIONS.—In this section:

(1) The term ''quitclaim deed'' refers to the quitclaim deed from the United States to the Commonwealth of Puerto Rico, signed by the Secretary of the Interior on August 11, 1982, for that portion of Tract (1b) consisting of the former bombardment area on the island of Culebra, Puerto Rico.

(2) The term ''unexploded ordnance'' has the meaning given that term by section 101(e)(5) of title 10, United States Code.

SA 3126. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 723. UNIFIED MEDICAL COMMAND.

(a) UNIFIED COMBATANT COMMAND.—

(1) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by inserting after section 167a the following new section:

''§ 167b. Unified combatant command for medical operations

''(a) ESTABLISHMENT.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified command for medical operations (in this section referred to as the 'unified medical command'). The principal function of the command is to provide medical services to the armed forces and other health care beneficiaries of the Department of Defense as defined in chapter 55 of this title.

''(b) ASSIGNMENT OF FORCES.—In establishing the unified medical command under subsection (a), all active military medical treatment facilities, training organizations, and research entities of the armed forces shall be assigned to such unified command, unless otherwise directed by the Secretary of Defense.

''(c) GRADE OF COMMANDER.—The commander of the unified medical command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating the member's permanent grade. The commander of such command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such command shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37. During the five-year period beginning on the date on which the Secretary establishes the command under subsection (a), the commander of such command shall be exempt from the requirements of section 164(a)(1) of this title.

''(d) SUBORDINATE COMMANDS.—(1) The unified medical command shall have the following subordinate commands:

''(A) A command that includes all fixed military medical treatment facilities, including elements of the Department of Defense that are combined, operated jointly, or otherwise operated in such a manner that a medical facility of the Department of Defense is operating in or with a medical facility of another department or agency of the United States.

''(B) A command that includes all medical training, education, and research and development activities that have previously been unified or combined, including organizations that have been designated as a Department of Defense executive agent.

''(C) The Defense Health Agency established under subsection (f).

''(2) The commander of a subordinate command of the unified medical command shall hold the grade of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating the member's permanent grade. The commander of such a subordinate command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such a subordinate command shall also be required to be a surgeon general of one of the military departments.

''(e) AUTHORITY OF COMBATANT COMMANDER.—(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the unified medical command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to medical operations activities.

''(2) The commander of such command shall be responsible for, and shall have the authority to conduct, the following functions relating to medical operations activities (whether or not relating to the unified medical command):

''(A) Developing programs and doctrine.

''(B) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for the forces described in subsection (b) and for other forces assigned to the unified medical command.

''(C) Exercising authority, direction, and control over the expenditure of funds—

''(i) for forces assigned to the unified medical command;

''(ii) for the forces described in subsection (b) assigned to unified combatant commands other than the unified medical command to the extent directed by the Secretary of Defense; and

''(iii) for military construction funds of the Defense Health Program.

''(D) Training assigned forces.

''(E) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

''(F) Validating requirements.

''(G) Establishing priorities for requirements.

''(H) Ensuring the interoperability of equipment and forces.

''(I) Monitoring the promotions, assignments, retention, training, and professional military education of medical officers described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

''(3) The commander of such command shall be responsible for the Defense Health Program, including the Defense Health Program Account established under section 1100 of this title.

''(f) DEFENSE HEALTH AGENCY.—(1) In establishing the unified medical command under subsection (a), the Secretary shall also establish under section 191 of this title a defense agency for health care (in this section referred to as the 'Defense Health Agency'), and shall transfer to such agency the organization of the Department of Defense referred to as the TRICARE Management Activity and all functions of the TRICARE Program (as defined in section 1072(7) of this title).

''(2) The director of the Defense Health Agency shall hold the rank of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating the member's permanent grade. The director of such agency shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The director of such agency shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

''(g) REGULATIONS.—In establishing the unified medical command under subsection (a), the Secretary of Defense shall prescribe regulations for the activities of the unified medical command.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 6 of such title is amended by inserting after the item relating to section 167a the following new item:

''167b. Unified combatant command for medical operations.''.

(b) PLAN, NOTIFICATION, AND REPORT.—

(1) PLAN.—Not later than July 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan to establish the unified medical command authorized under section 167b of title 10, United States Code, as added by subsection (a), including any legislative actions the Secretary considers necessary to implement the plan.

(2) NOTIFICATION.—The Secretary shall submit to the congressional defense committees written notification of the time line of the Secretary to establish the unified medical command under such section 167b by not later than the date that is 30 days before establishing such command.

(3) REPORT.—Not later than 180 days after submitting the notification under paragraph (2), the Secretary shall submit to the congressional defense committees a report on—

(A) the establishment of the unified medical command; and

(B) the establishment of the Defense Health Agency under subsection (f) of such section 167b.

SA 3127. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 723. SUPPORT OF MULTI-DISCIPLINARY RESEARCH INTO TRANSLATIONAL MEDICINE FOR DIAGNOSIS AND TREATMENT OF POST-TRAUMATIC STRESS DISORDER, TRAUMATIC BRAIN INJURY, AND OTHER NEUROLOGICAL CONDITIONS SUFFERED BY MEMBERS OF THE ARMED FORCES.

(a) PROGRAM OF SUPPORT AUTHORIZED.—The Secretary of Defense may carry out a program to provide support for multi-disciplinary research into translational medicine for the diagnosis and treatment of Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), and other neurological conditions suffered by members of the Armed Forces. The program shall be carried out by the Bureau of Medicine and Surgery (BUMED) of the Navy.

(b) ELEMENTS.—As part of the program authorized by subsection (a), the Secretary may—

(1) establish, or authorize the participation of appropriate elements of the Department of Defense in, a nationwide scientific consortium aimed at integrating research on nanotechnology, stem cells, cellular therapy, medical imaging, electronic medical records, information technology and medical devices, and other appropriate matters into the translation medicine described in subsection (a); and

(2) provide capabilities to permit researchers, scientists, surgeons, physicians, healthcare professionals, and patients to effectively communicate the findings and outcomes of research under the program into such translational medicine in a manner that enhances such medicine through real-time access to information and integration between researchers, physicians, hospitals, and patients.

(c) REPORT.—If the Secretary elects to carry out the program authorized by subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than 90 days after the date of the enactment of this Act, a report setting forth a plan for the establishment and discharge of the program.

(d) FUNDING.—Amounts authorized to be appropriated for fiscal year 2013 by section 1403 and available for Defense Health Program may be used for the program authorized by subsection (a).

SA 3128. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1048. BIPARTISAN INDEPENDENT STRATEGIC REVIEW PANEL.

(a) BIPARTISAN INDEPENDENT STRATEGIC REVIEW PANEL.—

(1) ESTABLISHMENT.—Chapter 2 of title 10, United States Code, is amended by inserting after section 118b the following new section:

"§ 118c. Bipartisan independent strategic review panel

''(a) ESTABLISHMENT.—There is established a bipartisan independent strategic review panel (in this section referred to as the 'Panel') to conduct a regular review of the national defense strategic environment of the United States and to conduct an independent assessment of the quadrennial defense review required under section 118 of this title.

''(b) MEMBERSHIP.—

''(1) APPOINTMENT.—The Panel shall be composed of 12 members from civilian life with a recognized expertise in national security matters who shall be appointed as follows:

''(A) Four members shall be appointed by the Secretary of Defense, of whom not more than three members shall be of the same political party.

''(B) Two members shall be appointed by the chair of the Committee on Armed Services of the House of Representatives.

''(C) Two members shall be appointed by the chair of the Committee on Armed Services of the Senate.

''(D) Two members shall be appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives.

''(E) Two members shall be appointed by the ranking minority member of the Committee on Armed Services of the Senate.

''(2) INITIAL MEMBERS: APPOINTMENT DATE AND TERM OF SERVICE.—

''(A) APPOINTMENT DATE.—The initial members of the Panel shall be appointed under paragraph (1) not later than January 30, 2013.

''(B) TERMS.—(i) The Secretary of Defense shall designate two initial members of the Panel appointed under paragraph (1)(A) to serve terms that expire on December 31, 2013, and two such initial members to serve terms that expire on December 31, 2014.

''(ii) The chair of the Committee on Armed Services of the House of Representatives shall designate one initial member of the Panel appointed under paragraph (1)(B) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

''(iii) The chair of the Committee on Armed Services of the Senate shall designate one initial member of the Panel appointed under paragraph (1)(C) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

''(iv) The ranking minority member of the Committee on Armed Services of the House of Representatives shall designate one initial member of the Panel appointed under paragraph (1)(D) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

''(v) The ranking minority member of the Committee on Armed Services of the Senate shall designate one initial member of the Panel appointed under paragraph (1)(E) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

''(3) CHAIRS.—The Secretary of Defense shall designate two members appointed pursuant to paragraph (1)(A) that are not of the same political party to serve as the Chairs of the Panel.

''(4) VACANCIES.—(A) A vacancy in the Panel shall be filled in the same manner as the original appointment and not later than 30 days after the date on which the vacancy begins.

''(B) A member of the Panel appointed to fill a vacancy shall be appointed for a term that expires—

''(i) in the case of an appointment to fill a vacancy resulting from a person not serving the entire term for which such person was appointed, at the end of the remainder of such term; and

''(ii) in the case of an appointment to fill a vacancy resulting from the expiration of the term of a member of the panel, two years after the date on which the term of such member expired.

''(5) REAPPOINTMENT.—Members of the Panel may be reappointed to the Panel for additional terms of service.

''(6) PAY.—The members of the Panel shall serve without pay

''(7) TRAVEL EXPENSES.—Each member of the Panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5.

''(c) DUTIES.—

''(1) REVIEW OF NATIONAL DEFENSE STRATEGIC ENVIRONMENT.—The Panel shall every four years, during a year following a year evenly divisible by four, review the national defense strategic environment of the United States. Such review shall include a review and assessment of—

''(A) the national defense environment, including challenges and opportunities;

''(B) the national defense strategy and policy;

''(C) the national defense roles, missions, and organizations; and

''(D) the risks to the national defense of the United States and how such risks affect challenges and opportunities to national defense.

''(2) ADDITIONAL REVIEWS.—The Panel may conduct additional reviews under paragraph (1) as requested by Congress or the Secretary of Defense, or when the Panel determines a significant change in the national defense environment has occurred that would warrant new recommendations from the Panel.

''(3) ASSESSMENT OF QUADRENNIAL DEFENSE REVIEW.—The Panel shall conduct an assessment of each quadrennial defense review required to be conducted under section 118 of this title. Each assessment shall include—

''(A) a review of the Secretary of Defense's terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on such quadrennial defense review;

''(B) an assessment of the assumptions, strategy, findings, and risks in the report of the Secretary of Defense on such quadrennial

defense review required under section 118(d) of this title, with particular attention paid to the risks described in such a report;

''(C) an independent assessment of a variety of possible force structures for the armed forces, including the force structure identified in the report required under such section 118(d); and

''(D) a review of the resource requirements identified in such quadrennial defense review pursuant to section 118(b)(3) of this title and, to the extent practicable, a general comparison of such resource requirements with the resource requirements to support the forces contemplated under the force structures assessed under subparagraph (C).

''(d) ADMINISTRATIVE PROVISIONS.—

''(1) STAFF.—

''(A) IN GENERAL.—The Chairs of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and not more than 11 additional personnel, as may be necessary to enable the Panel to perform the duties of the Panel.

''(B) COMPENSATION.—The Chairs of the Panel may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to the classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

''(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairs of the Panel may procure temporary and intermittent services under section 3109(b) of title 5 at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title.

''(4) PROVISION OF INFORMATION.—The Panel may request directly from the Department of Defense and any of its components such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall cooperate with the Panel to ensure that information requested by the Panel under this paragraph is promptly provided to the maximum extent practical.

''(5) USE OF CERTAIN DEPARTMENT OF DEFENSE RESOURCES.—Upon the request of the Chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any Federally-funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

''(6) FUNDING.—Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

''(e) REPORTS.—

''(1) REVIEW OF NATIONAL DEFENSE STRATEGIC ENVIRONMENT.—Not later than June 30 of a year following a year evenly divisible by four, the Panel shall submit to the congressional defense committees, the Secretary of Defense, and the National Security Council a report containing the results of the review conducted under subsection (c)(1) and any recommendations or other matters that the Panel considers appropriate.

''(2) ASSESSMENT OF QUADRENNIAL DEFENSE REVIEW.—Not later than 90 days after the date on which a report on a quadrennial defense review is submitted to Congress under section 118(d) of this title, the Panel shall submit to the congressional defense committees and the Secretary of Defense a report containing the results of the assessment conducted under subsection (c)(3) and any recommendations or other matters that the Panel considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 118b adding at the end the following new item:

''118c. Bipartisan independent strategic review panel.''.

(b) UPDATES FROM SECRETARY OF DEFENSE ON PROGRESS OF QUADRENNIAL DEFENSE REVIEW.—Section 118(f) of title 10, United States Code, is amended to read as follows:

''(f) UPDATES TO BIPARTISAN INDEPENDENT STRATEGIC REVIEW PANEL.—The Secretary of Defense shall ensure that periodically, but not less often than every 60 days, or at the request of the Chairs of the bipartisan independent strategic review panel established by section 118c(a) of this title, the Department of Defense briefs the panel on the progress of the conduct of a quadrennial defense review under subsection (a).''.

(c) BIPARTISAN INDEPENDENT STRATEGIC REVIEW OF THE ARMY.—

(1) REVIEW REQUIRED.—Not later than 30 days after the date on which all initial members of the bipartisan independent strategic review panel are appointed under section 118c(b) of title 10, United States Code (as added by subsection (a)), the Panel shall begin a review of the future of the Army.

(2) ELEMENTS.—The review required under paragraph (1) shall include a review and assessment of—

(A) the validity and utility of the scenarios and planning assumptions the Army used to develop the current force structure of the Army;

(B) such force structure and an evaluation of the adequacy of such force structure for meeting the goals of the national military strategy of the United States;

(C) the size and structure of elements of the Army, in particular the United States Army Training and Doctrine Command, the United States Army Materiel Command, and corps and higher headquarters elements;

(D) potential alternative force structures of the Army; and

(E) the resource requirements of each of the alternative force structures analyzed by the Panel.

(3) REPORT.—

(A) PANEL REPORT.—Not later than one year after the date on which the Panel begins the review required by paragraph (1), the Panel shall submit to the congressional defense committees and the Secretary of Defense a report containing the findings and recommendations of the Panel, including any recommendations concerning changes to the planned size and composition of the Army.

(B) ADDITIONAL VIEWS.—The report required by subparagraph (A) shall include any additional or dissenting views of a member of the Panel that such member considers appropriate to include in the report.

(4) DEFINITIONS.—In this subsection:

(A) The term ''Army'' includes the reserve components of the Army.

(B) The terms ''bipartisan independent strategic review panel'' and ''Panel'' mean the bipartisan independent strategic review panel established by section 118c(a) of title 10, United States Code (as so added).

SA 3129. Mr. LAUTENBERG (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. OUTREACH ON AVAILABILITY OF EDUCATIONAL AND VOCATIONAL COUNSELING.

(a) OUTREACH.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall develop and implement an outreach plan to better inform veterans about the availability of counseling services under section 3697A of title 38, United States Code, in order to achieve higher rates of utilization of such counseling services.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) A more prominent notice on the Internet website of the Department of Veterans Affairs of the availability of such counseling services.

(B) Use of social media and veterans service organizations.

(C) Inclusion of information regarding such counseling services in appropriate mailings from the Department.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a detailed report on the counseling services provided under section 3697A of title 38, United States Code.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The number of veterans who requested counseling services under such section in fiscal years 2010, 2011, and 2012.

(B) Specifics regarding the information that is provided to veterans as part of such counseling services, including any data provided on educational institutions.

(C) Results of satisfaction surveys submitted by individuals who have utilized such counseling services at any time during the three-year period ending on the date of the enactment of this Act for each individual contractor who provided such counseling services on behalf of the Secretary and a description of any action taken by the Secretary with regard to specific contractors as a result of such satisfaction surveys.

(D) A description of the actions the Secretary intends to undertake to increase the usage, availability, and quality of such counseling services carried out through contractors.

(E) Recommendations for such legislative and administration action as the Secretary considers necessary to increase the usage and availability of such counseling services.

SEC. 1085. VETERANS' EDUCATION CONSUMER COMPLAINT TRACKING SYSTEM.

(a) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by inserting after section 3693 the following new section:

''§ 3693A. Complaint tracking system

''(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary shall establish a system to collect, process, and track complaints submitted to the Secretary by individuals who are enrolled in programs of education at educational institutions to report instances of fraud, waste, and abuse by such institutions with respect to the benefits and services provided by such institutions to such individuals.

''(b) REQUIREMENTS.—This system established under subsection (a) shall meet the following requirements:

''(1) The system shall create an individual case number for each complaint processed and tracked in the system.

''(2) The system shall allow for the reporting of complaints, disaggregated by educational institution.

''(3) The system shall allow for the reporting of complaints, disaggregated by topic or subject matter.

''(4) The system shall allow for the submittal of complaints by—

''(A) Internet website; and

''(B) telephone via a toll-free number that is available every day at all hours.

''(5) The system shall allow for the sharing of complaints with and between the following:

''(A) The educational institutions that are the subjects of the complaints.

''(B) The Secretary of Education.

''(C) The Secretary of Defense.

''(D) State approving agencies.

''(E) Nationally or regionally recognized accrediting agencies and associations.

''(F) Such other Federal agencies as the Secretary of Veterans Affairs considers appropriate.

''(c) OUTREACH.—(1) The Secretary shall conduct such outreach as may be necessary to inform individuals described in subsection (a) of the system and process established under such subsection.

''(2) In conducting outreach under paragraph (1), the Secretary shall advise individuals of the kinds of complaints that are appropriate for submittal for inclusion in the system established under subsection (a).

''(d) CONSIDERATION.—Whenever the Secretary considers whether to approve a course of education of an educational institution under this chapter, the Secretary shall review and take into consideration the complaints processed and tracked by the system established under subsection (a) regarding the educational institution.

''(e) PRIVACY.—(1) Whenever a complaint is shared under subsection (b)(5), the complaint shall be anonymized, unless the complainant gives permission to the Secretary to share the complainant's identity.

''(2) The Secretary may not share a complaint under subsection (b)(5) with an educational institution if the complainant requests that such complaint not be shared with an educational institution.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3693 the following new item:

''3693A. Complaint tracking system.''.

SA 3130. Mr. LAUTENBERG (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of Division A, add the following:

TITLE XVIII—VETERANS EDUCATION ASSISTANCE

SEC. 1801. REQUIREMENT FOR PROVISION OF EDUCATIONAL COUNSELING TO INDIVIDUALS BEFORE SUCH INDIVIDUALS RECEIVE EDUCATIONAL ASSISTANCE PROVIDED UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3697A of title 38, United States Code, is amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

''(c)(1) Except as provided in paragraph (2), in the case of an individual described in subsection (b)(1), the counseling services described in subsection (a) shall be required to be provided to the individual before the individual receives the educational assistance described in such subsection.

''(2) The requirement to provide counseling services under paragraph (1) shall not apply with respect to an individual described in such paragraph who communicates to the Secretary, before receiving educational assistance described in such paragraph, that the individual declines the counseling services provided under such paragraph.

''(3) For each individual to whom the Secretary provides counseling services under paragraph (1), the Secretary shall provide to the individual, as part of such services and to the degree that information necessary to carry out this paragraph is available to the Secretary, the following:

''(A) An explanation of the different types of accreditation and State certification and licensure available to educational institutions and programs of education and a discussion of how such accreditation, certification, and licensure can be important for meeting preconditions of employment.

''(B) A discussion of how the various policies of educational institutions regarding the transfer of academic credit can affect the individual and what kinds of issues are commonly encountered by students trying to transfer academic credit.

''(C) An overview of Federal student aid programs, the implications of incurring student loan debt, and discussion of how receipt of Federal student aid can enable a student to complete a program of education without incurring significant educational debt.

''(D) An assessment of the type and amount of educational assistance available to the individual under Federal law and under the laws of the State in which the individual resides and of any other State of the individual's choosing.

''(E) A discussion of the important role that academic planning plays in completing a program of study.

''(F) A comprehensive list of educational institutions located in the State in which the individual resides and in any other State of the individual's choosing.

''(G) For each educational institution listed under subparagraph (F), the following information, if available, in a format that allows for easy comparison of educational institutions:

''(i) Whether financial assistance is available to a student enrolled in a program of education at the educational institution under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

''(ii) The number of veterans enrolled in a program of education at the educational institution who received educational assistance under a law administered by the Secretary in the most recently completed academic year.

''(iii) A list of—

''(I) academic and student support services provided by the educational institution to students enrolled in programs of education at the educational institution, including job placement and career counseling services; and

''(II) special services or benefits currently provided by the educational institution that address the unique needs of veterans.

''(iv) With respect to the 3-year period ending at the end of the most recently completed academic year, the median amount of student loan debt held upon completion of a program of education at the educational institution by veterans described in clause (ii).

''(v) The cohort default rate, as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), of the educational institution.

''(vi) With respect to the 3-year period ending at the end of the most recently completed academic year—

''(I) the average number of veterans who received a degree or certificate from the educational institution for completing a program of education;

''(II) the average number of people who received a degree or certificate from the educational institution for completing a program of education;

''(III) the average number of veterans enrolled in programs of education at the educational institution; and

''(IV) the average number of people enrolled in programs of education at the educational institution.

''(vii) In the case of an educational institution that offers a program of education designed to prepare people for a State licensure exam, the percentage of such students who take and pass such exam.

''(viii) For each program of education at the educational institution, the average amount of tuition and fees the educational institution charges a student for completing the program of education within normal time (as defined in section 668.41(a) of title 34, Code of Federal Regulations (or any corresponding similar regulation or ruling)), the typical costs for books and supplies (unless those costs are included as part of tuition and fees), and the cost of room and board, if applicable, and a calculation of how much of such costs can be covered by educational assistance available to the individual under laws administered by the Secretary.

''(ix) A description of the status of the accreditation of the educational institution and each program of education offered by the educational institution.

''(x) The median, for all veterans described in subsection (b)(1) who complete a program of education at the education institution that is an eligible program of training to prepare students for employment in a recognized occupation, of the duration of each period beginning on the date on which a veteran completes a program of education at the educational institution and the date on which the veteran first obtains employment after completing such program.

''(xi) The median, for all people who complete a program of education at the education institution that is an eligible program of training to prepare students for employment in a recognized occupation, of the duration of each period beginning on the date on which a person completes a program of education at the educational institution and the date on which the person first obtains employment after completing such program.

''(xii) The percentages of veterans and the percentages of people enrolled in programs of education at the educational institution who obtain a degree or certificate within—

''(I) the normal time for completion of, or graduate from, the veteran's or person's program, as the case may be;

''(II) 150 percent of the normal time for completion of, or graduation from, the veteran's or person's program, as the case may be; and

''(III) 200 percent of the normal time for completion of, or graduation from, the veteran's or person's program, as the case may be.

''(xiii) The number of students enrolled in a program of education at the educational institution and the number of such students who submit a complaint to the Secretary under section 3693A(a) of this title.

''(xiv) Whether the educational institution has been reported by a Federal or State agency or a nationally or regionally recognized accrediting agency or association as failing to comply with, or has a significant risk of failing to comply with, a provision of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

''(xv) A description of the topics or subjects of the 3 most numerous complaints filed during the most recent 3-year period under section 3693A of this title with respect to the educational institution.

''(xvi) With respect to each of clauses (i) through (xiv), how the educational institution compares with other educational institutions as follows:

''(I) If the educational institution is a 4-year educational institution, how the educational institution compares with the average of all 4-year educational institutions.

''(II) If the educational institution is a 2-year educational institution, how the educational institution compares with the average of all 2-year educational institutions.

''(III) If the educational institution is a less than 2-year educational institution, how the educational institution compares with the average of all less than 2-year educational institutions.

''(xvii) Such other information as the Secretary considers appropriate to assist the individual in selecting an educational institution or training establishment as described in subsection (a)(1).

''(4) To the extent such information is already available to the agencies, the Secretary shall collect such information as the Secretary requires to carry paragraph (3) from the Secretary of Education, the Secretary of Defense, and the heads of such other Federal agencies as the Secretary considers appropriate.

''(5) The Secretary shall make available to the public on an Internet website such information provided under paragraph (3) as the Secretary considers appropriate.

''(6) Making information available under paragraphs (3) and (5) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about a student.''.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act and subsection (c) of section 3697A of such title, as added by such subsection, shall apply with respect to individuals who apply for educational assistance described in subsection (b)(1) of such section on or after such date.

SEC. 1802. REPEAL OF LIMITATION ON PAYMENTS FOR CONTRACT EDUCATIONAL AND VOCATIONAL COUNSELING PROVIDED BY SECRETARY OF VETERANS AFFAIRS.

Section 3697 of title 38, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking ''(a) Subject to subsection (b) of this section, educational'' and inserting ''Educational''.

SEC. 1803. VETERANS' EDUCATION CONSUMER COMPLAINT TRACKING SYSTEM.

(a) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by inserting after section 3693 the following new section:

''§ 3693A. Complaint tracking system

''(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary shall establish a system to collect, process, and track complaints submitted to the Secretary by individuals receiving educational assistance under laws administered by the Secretary who are enrolled in programs of education at educational institutions to report instances of fraud, waste, and abuse by such institutions with respect to the benefits and services provided by such institutions to such individuals.

''(b) REQUIREMENTS.—This system established under subsection (a) shall meet the following requirements:

''(1) The system shall create an individual case number for each complaint processed and tracked in the system.

''(2) The system shall allow for the reporting of complaints, disaggregated by educational institution.

''(3) The system shall allow for the reporting of complaints, disaggregated by topic or subject matter.

''(4) The system shall allow for the submittal of complaints by—

''(A) Internet website; and

''(B) telephone via a toll-free number that is available every day at all hours.

''(5) The system shall allow for the sharing of complaints with the following:

''(A) The educational institutions that are the subjects of the complaints.

''(B) The Secretary of Education.

''(C) The Secretary of Defense.

''(D) State approving agencies.

''(E) Nationally or regionally recognized accrediting agencies and associations.

''(F) Such other Federal agencies as the Secretary of Veterans Affairs considers appropriate.

''(c) OUTREACH.—The Secretary shall conduct such outreach as may be necessary to inform individuals described in subsection (a) of the system and process established under such subsection.

''(d) CONSIDERATION BY STATE APPROVING AGENCIES.—Whenever a State approving agency considers whether to approve a course of education of an educational institution under this chapter, the State approving agency shall review and take into consideration the complaints processed and tracked by the system established under subsection (a) regarding the educational institution.

''(e) PRIVACY.—(1) Whenever a complaint is shared under subsection (b)(5), the complaint shall be anonymized, unless the complainant gives permission to the Secretary to share the complainant's identity.

''(2) The Secretary may not share a complaint under subsection (b)(5) with an educational institution if the complainant requests that such complaint not be shared with an educational institution.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3693 the following new item:

''3693A. Complaint tracking system.''.

SA 3131. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 888. STUDY ON ARMY SMALL ARMS AND AMMUNITION ACQUISITION.

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center to conduct a study on the Army's acquisition of small arms and ammunition to determine each of the following:

(A) A comparative evaluation of the Army's M16 rifle, M4 carbine, M9 pistol, and M249 light machine gun to other rifles, carbines, pistols, and machine guns in use by special operations forces, foreign militaries, and available commercially.

(B) An assessment of the Army's current plans to modernize its small arms rifle, pistol, and light machine gun inventories.

(C) A comparative evaluation of the Army's standard ammunition with other ammunition alternatives.

(2) FACTORS TO CONSIDER.—The study required under subsection (a) shall take into consideration the following factors:

(A) The operational environment in Operations Iraqi Freedom and Enduring Freedom.

(B) Future operating environments as specified or referred to in Department of Defense strategic planning documents.

(C) Modifications and improvements recently introduced to the M16, M4, and M249, as well as their potential for continued development.

(D) Industrial base impacts.

(3) ACCESS TO INFORMATION.—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(A) the results of the study conducted under subsection (a), together with the comments of the Secretary of Defense on the findings contained in the study; and

(B) comments of the Secretary of the Army on the findings contained in the study.

(2) CLASSIFIED ANNEX.—The report shall be in unclassified form, but may contain a classified annex.

(c) SMALL ARMS AND AMMUNITION DEFINED.—In this section, the term ''small arms and ammunition'' means firearms up to and including .50 caliber and shotguns and ammunition or ordnance for such firearms.

SA 3132. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. TECHNICAL AMENDMENTS RELATING TO THE TERMINATION OF THE ARMED FORCES INSTITUTE OF PATHOLOGY UNDER DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 177 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''those professional societies'' and all that follows through ''the Armed Forces Institute of Pathology'' and inserting ''the professional societies and organizations that support the activities of the American Registry of Pathology''; and

(B) in paragraph (3), by striking ''with the concurrence of the Director of the Armed Forces Institute of Pathology'';

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and

(C) in paragraph (2), as redesignated by subparagraph (B)—

(i) by striking ''accept gifts and grants from and''; and

(ii) by inserting ''and accept gifts and grants from such entities'' before the semicolon; and

(3) in subsection (d), by striking ''to the Director'' and all that follows through ''it deems desirable,'' and inserting ''annually to its Board and supporting organizations referred to in subsection (a)(2)''.

SA 3133. Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. COBURN, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking ''section 34(d)'' and inserting ''section 33(d)'';

(C) in section 33 (15 U.S.C. 657d), as so redesignated—

(i) by striking ''section 35'' each place it appears and inserting ''section 34'';

(ii) in subsection (a)—

(I) in paragraph (2), by striking ''section 35(c)(2)(B)'' and inserting ''section 34(c)(2)(B)'';

(II) in paragraph (4), by striking ''section 35(c)(2)'' and inserting ''section 34(c)(2)''; and

(III) in paragraph (5), by striking ''section 35(c)'' and inserting ''section 34(c)''; and

(iii) in subsection (h)(2), by striking ''section 35(d)'' and inserting ''section 34(d)'';

(D) in section 34 (15 U.S.C. 657e), as so redesignated—

(i) by striking ''section 34'' each place it appears and inserting ''section 33''; and

(ii) in subsection (c)(1), by striking section ''34(c)(1)(E)(ii)'' and inserting section ''33(c)(1)(E)(ii)'';

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42'';

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42''; and

(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking ''section 43'' and inserting ''section 42''.

(2) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking ''and the National Veterans Business Development Corporation''.

(3) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking ''any of the'' and all that follows and inserting ''any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).''.

(4) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking ''section 43 of the Small Business Act, as added by this Act'' and inserting ''section 42 of the Small Business Act (15 U.S.C. 657o)''.

(5) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking ''In cooperation with the National Veterans Business Development Corporation, develop'' and inserting ''Develop''.

SA 3134. Mr. DEMINT (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1233. REPORT ON ATTACKS ON UNITED STATES MISSIONS IN LIBYA, EGYPT, AND YEMEN.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress condemns in the strongest terms possible the attacks on the United States diplomatic missions in Libya, Egypt, and Yemen.

(2) The American people mourn the loss of our selfless public servants and offer our heartfelt condolences to the families of those killed in Benghazi, Libya.

(b) REPORTS ON ATTACKS AT UNITED STATES MISSIONS IN LIBYA, EGYPT, AND YEMEN.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the September 11, 2012, attack on the United States Consulate in Benghazi, Libya, the attacks on the United States Embassy in Cairo, Egypt, that began on September 11, 2012, the September 13, 2012, attack on the United States Embassy in Sana'a, Yemen, and the state of security at United States diplomatic missions globally.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) An accounting of the events that occurred beginning on September 11, 2012, at the United States Embassy in Cairo, Egypt, and the United States Consulate in Benghazi, Libya, and on September 13, 2012, at the United States Embassy in Sana'a Yemen.

(B) An accounting of whether the United States Government had actionable intelligence before the attacks on the United States Embassy in Cairo, the United States Consulate in Benghazi, and the United States Embassy in Sana'a, including recommendations for changes in resources, collection, and analysis in the future.

(C) A statement on and assessment of the responsiveness of the respective governments' security forces once the attacks began.

(D) An assessment of the diplomatic security response in each of the affected locations and whether different actions could have prevented or mitigated the attacks.

(E) An assessment of the level of cooperation by the Governments of Egypt, Libya, and Yemen into the investigations of the attacks and their efforts to find and hold responsible the perpetrators involved.

(F) An assessment of the state of security at United States embassies and consulates globally.

(G) An annex to include all cables, emails, and other communications regarding the security situation in Benghazi prior to and since the attack on the United States consulate and annex facility.

(c) REPORT ON RECOMMENDED CHANGES TO SECURITY PROCEDURES AT UNITED STATES EMBASSIES AND CONSULATES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report containing recommendations for improving security operations at United States embassies and consulates globally.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) Recommendations for improving the hiring and training of security personnel at United States embassies and consulates globally.

(B) Recommendations for improving the collection and sharing of intelligence on credible threats to United States embassies and consulates globally.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) FORM.—The reports submitted under subsections (b) and (c) shall be submitted in unclassified form, but may contain a classified annex.

SA 3135. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

On page 502, line 7, strike ''2013'' and insert ''2014''.

SA 3136. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

On page 506, beginning on line 2, strike ''Air Force assigned to'' and all that follows through line 4 and insert the following: ''Air Force, the Air National Guard, or the Air Force Reserve as of May 31, 2012, including any activities carried out pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).''.

SA 3137. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

SEC. 1711. RETENTION OF LEADERSHIP RANK, AIRCRAFT, AND CORE FUNCTIONS OF THE 354TH FIGHTER WING AND THE 18TH AGGRESSOR SQUADRON AT EIELSON AIR FORCE BASE, ALASKA.

(a) IN GENERAL.—The Secretary of the Air Force shall retain the current leadership rank, aircraft and core functions of the 354th Fighter Wing and the 18th Aggressor Squadron at Eielson Air Force Base, Alaska, with the same integrated mission elements, responsibilities, and capabilities as existed as of November 1, 2011, until the later of—

(1) October 1, 2013; or

(2) the date that is 180 days after the National Commission on the Structure of the Air Force submits to the congressional defense committees the report required under section 1703.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to relieve the Secretary of the Air Force of the obligation to comply with any other conditions precedent in law or regulation which govern any proposed modification to current operations at Eielson Air Force Base after the dates referred to in paragraphs (1) and (2) of subsection (a).

SA 3138. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 704. INCLUSION OF CERTAIN PSYCHOLOGISTS AS QUALIFIED TO SERVE AS PSYCHOLOGISTS UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, Psychological Associates, licensed by the State of Alaska, shall be treated as psychologists for purposes of participation in the TRICARE program while providing services within their lawful scope of practice to eligible beneficiaries under the TRICARE program in the State of Alaska.

(b) TRICARE PROGRAM DEFINED.—In this section, the term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

SA 3139. Mr. BARRASSO (for himself, Mr. LEE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1246. STATUS OF PALESTINIAN MISSION TO UNITED NATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Oslo II Agreement, Wye River Memo, and Sharm el-Sheikh Memo all prohibit either party from ''chang[ing] the status of the West Bank and the Gaza Strip'' prior to the completion of permanent status negotiations.

(2) According to the Congressional Research Service, the United States has committed over $4,000,000,000 in bilateral assistance to the Palestinians since the mid-1990s.

(3) According to at least one media report, the number of rockets and mortars fired at Israel from Gaza as of November 22, 2012, is more than 2,300.

(b) REDUCED ASSISTANCE TO PALESTINIAN AUTHORITY FOR UNDERMINING ISRAELI-PALESTINIAN PERMANENT STATUS NEGOTIATIONS.—The President shall reduce by 50 percent the total United States assistance provided to the Palestinian Authority if it seeks at any time after November 25, 2012, at the United Nations General Assembly or any other United Nations entity status different than the status it held on November 25, 2012.

(c) REDUCED ASSISTANCE TO ANY UNITED NATIONS ENTITY UNDERMINING ISRAELI-PALESTINIAN PERMANENT STATUS NEGOTIATIONS.—The President shall withhold 50 percent of the total appropriated contributions to any United Nations entity if that entity grants at any time after November 25, 2012, to the Palestinian mission a status different than the status the Palestinian mission held on November 25, 2012.

(d) REDUCED ASSISTANCE TO COUNTRIES UNDERMINING ISRAELI-PALESTINIAN PERMANENT STATUS NEGOTIATIONS.—The President shall reduce by 20 percent the total United States assistance provided to any country voting after November 25, 2012, at the United Nations in favor of—

(1) granting a Palestinian entity status as a Member State;

(2) granting a Palestinian entity observer status as a non-Member State; or

(3) otherwise altering the status of the Permanent Observer Mission of Palestine to the United Nations so as to grant it a status that interferes with the resolution of permanent status issues between Israel and the Palestinian Authority.

(e) DURATION OF REDUCED AID.—

(1) FIRST FISCAL YEAR.—Assistance shall be reduced under subsection (b), (c), or (d) for the fiscal year in which the conditions of such subsection are met.

(2) SUBSEQUENT FISCAL YEARS.—

(A) ASSISTANCE TO PALESTINIAN AUTHORITY OR UNITED NATIONS ENTITY.—Assistance shall continue to be reduced pursuant to subsections (b) and (c) in each subsequent fiscal year until permanent status issues between Israel and the Palestinian Authority are fully resolved.

(B) ASSISTANCE TO COUNTRIES UNDERMINING STATUS NEGOTIATIONS.—Assistance shall continue to be reduced pursuant to subsection (d) until the country subject to the restriction subsequently votes at the United Nations to revert the status of the Palestinian mission back to the status it held on November 25, 2012.

(f) PRESIDENTIAL WAIVER.—The President may exempt a country from the restriction described in subsection (d) if the President determines such exemption is in the national security interests of the United States and submits to Congress a written statement explaining such national security interest.

SA 3140. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1064. REPORT ON NIGHT VISION EXPORT CONTROL REGULATIONS.

(a) UPDATING OF EXPORT REGULATIONS.—The Secretary of Defense shall review and revise the Department of Defense's night vision export regulations and specifications to ensure a robust domestic manufacturing capability.

(b) REPORT.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report describing actions taken to update the Department of Defense's night vision export regulations pursuant to subsection (a).

SA 3141. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1048. MINIMUM NUMBER OF PERSONNEL FOR THE JOINT WARFIGHTING ANALYSIS CENTER.

The minimum number of personnel for the Joint Warfighting Analysis Center (JWAC) may not be less than 450.

SA 3142. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1064. REPORT ON DEPARTMENT OF DEFENSE SUPPORT FOR UNITED STATES DIPLOMATIC SECURITY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the ongoing Department of Defense review of defense support of United States diplomatic security.

(b) ELEMENTS.—The report required by subsection (a) shall include, but not be limited to, such findings and recommendations as the Secretaries consider appropriate with respect to the following:

(1) Department of Defense authorities, directives, and guidelines in support of diplomatic security.

(2) Interagency processes and procedures to identify, validate, and resource diplomatic security support required from the Department of Defense.

(3) Department of Defense roles, missions, and resources required to fulfill requirements for United States diplomatic security, including, but not limited to the following:

(A) Marine Corps Embassy Security Guard detachments.

(B) Training and advising host nation security forces for diplomatic security.

(C) Intelligence collection to prevent and respond to threats to diplomatic security.

(D) Security assessments of diplomatic missions.

(E) Support of emergency action planning.

(F) Rapid response forces to respond to threats to diplomatic security.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 3143. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. CONGRESSIONAL REQUESTS UNDER THE FREEDOM OF INFORMATION ACT.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) CONGRESSIONAL REQUEST.—The term ''congressional request'' means a request submitted by a member of Congress to the Secretary under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'') that relates to activities of the Department of Defense in the State represented by the member of Congress.

(2) MEMBER OF CONGRESS.—The term ''member of Congress'' means a member of the Senate or the House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

(4) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) RESPONSE TO CONGRESSIONAL REQUESTS.—The Secretary shall process congressional requests in accordance with the time limitations under section 552(a)(6) of title 5, United States Code, including, as applicable, subparagraphs (D) and (E) of such section 552(a)(6).

(c) FEES PROHIBITED.—The Secretary may not charge a fee in connection with any congressional request.

(d) NOTIFICATION OF STATUS OF CONGRESSIONAL REQUESTS.—The Secretary shall notify a member of Congress of the status of a congressional request submitted by the member of Congress—

(1) at reasonable intervals; and

(2) upon the request of the member of Congress.

(e) INFORMATION.—If the Secretary denies a congressional request, in whole or in part, the Secretary shall provide to the member of Congress who submitted the congressional request—

(1) a particularized description of any document or information to which access is denied; and

(2) the reasons for the denial.

SA 3144. Mr. WEBB (for himself, Mr. BROWN of Massachusetts, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—STOLEN VALOR ACT

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Stolen Valor Act of 2012''.

SEC. 5002. FINDINGS.

Congress find the following:

(1) Because of the great respect in which military service and military awards are rightfully held by the public, false claims of receiving such medals or serving in the military are especially likely to be harmful and material to employers, voters in deciding to whom paid elective positions should be entrusted, and in the award of contracts.

(2) Military service and military awards are held in such great respect that public and private decisions are correctly influenced by claims of heroism.

(3) False claims of military service or military heroism are an especially noxious means of obtaining something of value because they are particularly likely to cause tangible harm to victims of fraud.

(4) False claims of military service or the receipt of military awards, if believed, are especially likely to dispose people favorably toward the speaker.

(5) False claims of military service or the receipt of military awards are particularly likely to be material and cause people to part with money or property. Even if such claims are unsuccessful in bringing about this result, they still constitute attempted fraud.

(6) False claims of military service or the receipt of military awards that are made to secure appointment to the board of an organization are likely to cause harm to such organization through their obtaining the services of an individual who does not bring to that organization what he or she claims, and whose falsehood, if discovered, would cause the organization's donors concern that the organization's board might not manage money honestly.

(7) The easily verifiable nature of false claims regarding military service or the receipt of military awards, the relative infrequency of such claims, and the fact that false claims of having served in the military or received such awards are rightfully condemned across the political spectrum, it is especially likely that any law prohibiting such false claims would not be enforced selectively.

(8) Congress may make criminal the false claim of military service or the receipt of military awards based on its powers under article I, section 8, clause 2 of the Constitution of the United States, to raise and support armies, and article I, section 8, clause 18 of the Constitution of the United States, to enact necessary and proper measures to carry into execution that power.

SEC. 5003. MILITARY MEDALS OR DECORATIONS.

Section 704 of title 18, United States Code, is amended to read as follows:

''§ 704. Military medals or decorations

''(a) IN GENERAL.—Whoever knowingly purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value any decoration or medal authorized by Congress for the Armed Forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title, imprisoned for not more than 6 months, or both.

''(b) FALSE CLAIMS TO THE RECEIPT OF MILITARY DECORATIONS, MEDALS, OR RIBBONS AND FALSE CLAIMS RELATING TO MILITARY SERVICE IN ORDER TO SECURE A TANGIBLE BENEFIT OR PERSONAL GAIN.—

''(1) IN GENERAL.—Whoever, with the intent of securing a tangible benefit or personal gain, knowingly, falsely, and materially represents himself or herself through any written or oral communication (including a resume) to have served in the Armed Forces of the United States or to have been awarded any decoration, medal, ribbon, or other device authorized by Congress or pursuant to Federal law for the Armed Forces of the United States, shall be fined under this title, imprisoned for not more than 6 months, or both.

''(2) TANGIBLE BENEFIT OR PERSONAL GAIN.—For purposes of this subsection, the term 'tangible benefit or personal gain' includes—

''(A) a benefit relating to military service provided by the Federal Government or a State or local government;

''(B) public or private employment;

''(C) financial remuneration;

''(D) an effect on the outcome of a criminal or civil court proceeding;

''(E) election of the speaker to paying office; and

''(F) appointment to a board or leadership position of a non-profit organization.

''(c) DEFINITION.—In this section, the term 'Armed Forces of the United States' means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including the reserve components named in section 10101 of title 10.''.

SEC. 5004. SEVERABILITY.

If any provision of this division, any amendment made by this division, or the application of such provision or amendment to

any person or circumstance is held to be unconstitutional, the remainder of the provisions of this division, the amendments made by this division, and the application of such provisions or amendments to any person or circumstance shall not be affected.

SA 3145. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1064. STUDY ON ABILITY OF NATIONAL AIR AND GROUND TEST AND EVALUATION INFRASTRUCTURE FACILITIES TO SUPPORT DEFENSE HYPERSONIC TEST AND EVALUATION ACTIVITIES.

(a) STUDY REQUIRED.—The Director of the Office of Science and Technology Policy, working with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration (NASA), shall conduct a study on the ability of Department of Defense and NASA air and ground test and evaluation infrastructure facilities and private ground test and evaluation infrastructure facilities, including wind tunnels and air test ranges, as well as associated instrumentation, to support defense hypersonic test and evaluation activities for the short and long term.

(b) REPORT AND PLAN.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report containing the results of the study required under subsection (a) together with a plan for requirements and proposed investments to meet Department of Defense needs through 2025.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the current condition and adequacy of the hypersonics test and evaluation infrastructure within the Department of Defense, NASA, and the private sector to support hypersonic research and development within the Department of Defense.

(B) An identification of test and evaluation infrastructure that could be used to support Department of Defense hypersonic research and development outside the Department and assess means to ensure the availability of such capabilities to the Department in the present and future.

(C) A time-phased plan to acquire required hypersonics research, development, test and evaluation capabilities, including identification of the resources necessary to acquire any needed capabilities that are currently not available.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services and the Committee on Science, Space, and Technology of the House of Representatives.

SA 3146. Mr. WARNER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1246. BILATERAL DEFENSE TRADE RELATIONSHIP WITH INDIA.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that articulates the vision of the Department of Defense for defense trade relations between the United States and India within the context of the overall bilateral defense relationship.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of the Department's approach for normalizing defense trade.

(B) An assessment of the defense capabilities that the Secretary believes the Government of India should acquire in order to enhance cooperation and coordination with the United States Government on matters of shared security interests.

(b) COMPREHENSIVE POLICY REVIEW.—

(1) IN GENERAL.—The Secretary of Defense shall lead a comprehensive policy review to examine the feasibility of engaging in co-production and co-development defense projects with India.

(2) SCOPE.—The policy review should—

(A) examine the parameters and requirements for United States-India cooperation as well as the terms and conditions India must fulfill to broach such cooperation; and

(B) consider potential areas of cooperation, including the possibility of co-producing a training aircraft to succeed the United States Air Force's T-38 aircraft and co-developing counter-IED technology or individual soldier capabilities.

(c) SENSE OF CONGRESS ON INTERNATIONAL INITIATIVES.—It is the sense of Congress that the Department of Defense should—

(1) conduct a review of all United States–India bilateral working groups dealing with high technology transfers, including technology security and licensing for dual-use and munitions licenses, and determine the feasibility of establishing a single United States Government working group dedicated to strategic technology trade;

(2) engage counterparts in the Government of India in an intensified dialogue on the current challenges related to the compatibility of the Foreign Military Sales and direct commercial sales programs with the Indian Defense Procurement Procedure (DPP), and steps to improve compatibility;

(3) engage counterparts in the Government of India in a dialogue about the elements of an effective defense industrial base, including personnel training, quality assurance, and manufacturing procedures;

(4) consider the establishment of orientation programs for new defense officials in the Government of India about the procedures for United States defense sales, including licensing processes; and

(5) continue and deepen ongoing efforts to assist the Government of India in developing its defense acquisition expertise by assisting with the development of training institutions and human capital.

SA 3147. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 526. REPORT ON STANDARDS FOR AUDITORY FITNESS-FOR-DUTY OF MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments—

(1) develop auditory fitness-for-duty standards for members of the Armed Forces on active duty that accurately reflect essential operational requirements for such members, as well as available accommodations to meet such standards; and

(2) submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the updated standards to be used by the military departments to determine the auditory fitness-for-duty of members of the Armed Forces on active duty.

(b) ELEMENTS IN CONNECTION WITH UPDATED STANDARDS.—If an updated standard to be used for determining the auditory fitness-for-duty of members of the Armed Forces on active duty differs from a standard currently or recently used for that purpose, the report shall include a description of the difference between the two standards and an assessment of the impact of such updated standard on members of the Armed Forces on active duty who have auditory impairments.

SA 3148. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 526. PILOT PROGRAM ON ACCESSION OF CANDIDATES WITH AUDITORY IMPAIRMENTS AS AIR FORCE OFFICERS IN CRITICAL MILITARY SPECIALTIES.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall carry out a pilot program to assess the feasibility and advisability of permitting individuals with auditory impairments (including deafness) to access as officers of the Air Force in order to fill the needs of the Air Force for officers in critical military specialties.

(b) CANDIDATES.—

(1) NUMBER OF CANDIDATES.—The number of individuals with auditory impairments who may participate in the pilot program shall be not less than 15 individuals and not more than 20 individuals.

(2) MIX AND RANGE OF AUDITORY IMPAIRMENTS.—The individuals who participate in the pilot program shall include individuals who are deaf and individuals having a range of other auditory impairments.

(3) QUALIFICATION FOR ACCESSION.—Any individual who participates in the pilot program shall meet all essential qualifications

for accession as an officer in the Air Force, other than those relating to having an auditory impairment.

(c) BASIC TRAINING.—The individuals who participate in the pilot program shall undergo, at the election of the Secretary, the Basic Officer Training course or the Commissioned Officer Training course at Maxwell Air Force Base, Alabama.

(d) SPECIALTY TO WHICH ASSIGNABLE.—An individual participating in the pilot program who successfully completes the training course selected for the individual under subsection (c) shall be assigned, at the election of the Secretary, to a specialty for which the individual is otherwise qualified as follows:

(1) Judge advocate.

(2) A specialty performing intelligence functions.

(3) A specialty performing medical functions, dental functions, medical service functions, nursing functions, or biomedical science functions.

(4) A specialty performing chaplain functions.

(5) Any other critical military specialty of the Air Force specified by the Secretary for purposes of the pilot program.

(e) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the pilot program. The report shall include the following:

(1) A description of the pilot program and the participants in the pilot program.

(2) The outcomes of the pilot program.

(3) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Education and the Workforce, and the Committee on Appropriations of the House of Representatives.

SA 3149. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CLAIMS RELATING TO URANIUM MINING.

(a) REFERENCES.—Except as otherwise specifically provided, whenever in this section an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision of law, the reference shall be considered to be made to a section or other provision of the Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note).

(b) DATES.—

(1) EMPLOYEES OF MINES AND MILLS.—Section 5(a)(1)(A)(i) is amended by striking ''December 31, 1971; and'' and inserting ''December 31, 1990; or''.

(2) DATES OF OPERATION OF URANIUM MINE.—Section 5(a)(2)(A) is amended by striking ''December 31, 1971'' and inserting ''December 31, 1990''.

(c) CLAIMS RELATING TO ATMOSPHERIC TESTING.—

(1) LEUKEMIA CLAIMS RELATING TO TRINITY TEST IN NEW MEXICO.—Section 4(a)(1)(A) is amended—

(A) in clause (i)—

(i) in subclause (II)—

(I) by striking ''in the affected area'' and inserting ''in an affected area''; and

(II) by striking ''or'' after the semicolon;

(ii) by redesignating subclause (III) as subclause (IV); and

(iii) by inserting after subclause (II) the following:

''(III) was physically present in an affected area for the period beginning on June 30, 1945, and ending on July 31, 1945; or''; and

(B) in clause (ii)(I), by striking ''physical presence described in subclause (I) or (II) of clause (i) or onsite participation described in clause (i)(III)'' and inserting ''physical presence described in subclause (I), (II), or (III) of clause (i) or onsite participation described in clause (i)(IV)''.

(2) SPECIFIED DISEASES CLAIMS RELATING TO TRINITY TEST IN NEW MEXICO.—Section 4(a)(2) is amended—

(A) in subparagraph (A), by striking ''in the affected area'' and inserting ''in an affected area'';

(B) in subparagraph (B)—

(i) by striking ''in the affected area'' and inserting ''in an affected area''; and

(ii) by striking ''or'' at the end;

(C) by redesignating subparagraph (C) as subparagraph (D); and

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

''(C) was physically present in an affected area for the period beginning on June 30, 1945, and ending on July 31, 1945; or''.

(3) DEFINITION.—Section 4(b)(1) is amended to read as follows:

''(1) 'affected area' means—

''(A) except as provided under subparagraph (B)—

''(i) in the State of Utah, the counties of Washington, Iron, Kane, Garfield, Sevier, Beaver, Millard, Wayne, San Juan, and Piute;

''(ii) in the State of Nevada, the counties of White Pine, Nye, Lander, Lincoln, Eureka, and that portion of Clark County that consists of townships 13 through 16 at ranges 63 through 71; and

''(iii) in the State of Arizona, the counties of Coconino, Yavapai, Navajo, Apache, and Gila, and that part of Arizona that is north of the Grand Canyon; and

''(B) with respect to a claim by an individual under subsection (a)(1)(A)(i)(III) or (2)(C), only the counties of De Baca, Guadalupe, Lincoln, Otero, San Miguel, Socorro, and Torrance in New Mexico.''.

(4) CONFORMING AMENDMENTS.—Section 6 is amended—

(A) in subsection (c)(2)(A)(i), by striking ''in the affected area'' and inserting ''in an affected area''; and

(B) in subsection (e), by striking ''in the affected area'' and inserting ''in an affected area''.

SA 3150. Mr. UDALL of New Mexico (for himself, Mr. SCHUMER, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. APPLICABILITY OF BUY AMERICAN ACT TO PROCUREMENT OF PHOTOVOLTAIC DEVICES BY DEPARTMENT OF DEFENSE.

(a) PROCUREMENT OF PHOTOVOLTAIC DEVICES.—The Secretary of Defense shall ensure that each contract described in subsection (b) awarded by the Department of Defense includes a provision requiring any photovoltaic devices installed pursuant to the contract, or pursuant to a subcontract under the contract, to comply with the provisions of chapter 83 of title 41, United States Code (commonly known as the ''Buy American Act''), without regard to whether the contract results in ownership of the photovoltaic devices by the Department.

(b) COVERED CONTRACTS.—The contracts described in this subsection include energy savings performance contracts, utility service contracts, power purchase agreements, land leases, and private housing contracts pursuant to which any photovoltaic devices are—

(1) installed on property or in a facility owned by the Department of Defense; and

(2) generate power consumed predominantly by the Department and counted toward Federal renewable energy purchase requirements.

(c) COMPLIANCE WITH INTERNATIONAL OBLIGATIONS.—Subsection (a) shall be applied in a manner consistent with the obligations of the United States under international agreements.

(d) PHOTOVOLTAIC DEVICES DEFINED.—In this section, the term ''photovoltaic devices'' means devices that convert light directly into electricity.

(e) EFFECTIVE DATE.—This section applies to photovoltaic devices procured or installed on or after the date that is 30 days after the date of the enactment of the this Act pursuant to contracts entered into on or after such date of enactment.

(f) SUNSET.—

(1) IN GENERAL.—This section shall expire on the date that is one year after the date of the enactment of this Act.

(2) CONTINUING EFFECTIVENESS OF CONTRACTS AFTER SUNSET.—Nothing in paragraph (1) shall be construed to terminate the effectiveness after the sunset date provided for in that paragraph of any contract awarded by the Department of Defense and subject the provisions of this section while such contract remains in force.

(g) CONSTRUCTION WITH OTHER AUTHORITY.—Nothing in this section shall be construed to terminate the effectiveness of the applicability of the provisions of the section 846 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2534 note) to contracts that are awarded by the Department of Defense before the effective date provided for in subsection (e) or after the sunset date provided for in subsection (f)(2).

SA 3151. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

On page 308, between lines 10 and 11, insert the following:

SEC. 924A. USE OF NATIONAL SECURITY LABORATORIES IN DEVELOPMENT OF THE NEXT-GENERATION HOST-BASED CYBERSECURITY SYSTEM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) cybersecurity is a top priority of the United States; and

(2) the national security laboratories of the National Nuclear Security Administration are a national resource that can be used to develop effective solutions to cybersecurity challenges.

(b) COLLABORATION REQUIRED.—The Chief Information Officer of the Department of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall collaborate with the Administrator for Nuclear Security to use the research, engineering, and technological resources of the national security laboratories in developing the strategy to acquire next-generation host-based cybersecurity tools and capabilities for the Department of Defense required by section 924(a).

(c) NATIONAL SECURITY LABORATORY DEFINED.—In this section, the term ''national security laboratory'' has the meaning given that term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

SA 3152. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

On page 50, between lines 18 and 19, insert the following:

(2) shall include with the estimate under paragraph (1)—

(A) an estimate of the costs of using and upgrading existing United States Government foundries for defense use; and

(B) an assessment whether it is more cost effective to use and upgrade existing United States Government foundries for shared use when compared with developing and building the Next Generation Foundry for the Defense Microelectronics Activity, which assessment shall—

(i) include an analysis of existing foundries of the National Nuclear Security Administration;

(ii) identify any program or function that would be duplicated by the Next Generation foundry; and

(iii) assess the value of maintaining such duplication and whether increasing existing United States Government capabilities is a more cost effective solution to meet mission requirements; and

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SA 3153. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. ESTABLISHMENT OF NATIONAL CENTER FOR ALGAL BIOTECHNOLOGY.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Energy shall jointly select, on a competitive basis, from among organizations described in subsection (d), an organization to serve as a National Center for Algal Biotechnology.

(b) PURPOSES.—The purposes of the National Center for Algal Biotechnology shall be—

(1) to advance research and development in support of the strategic goals of the Department of Defense relating to energy production and technology development for national defense under the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.); and

(2) to advance research relating to energy independence and other national security objectives, as determined by the Secretary of Defense and the Secretary of Energy.

(c) DUTIES.—The National Center for Algal Biotechnology shall—

(1) foster innovation, education, and entrepreneurial activities to support the commercialization of bio algae fuel and improve its cost effectiveness;

(2) work to integrate a phenomics, transcriptomics, proteomics, and metabolomics pipeline into an existing facility that focuses on algal biotechnology research; and

(3) partner with algae test-bed and production facilities.

(d) ORGANIZATIONS DESCRIBED.—An organization described in this subsection is an organization that—

(1) is described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code; and

(2) has a preexisting relationship with a federally funded research and development center.

SA 3154. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. IDENTIFICATION OF OPPORTUNITIES FOR BIOFUELS RESEARCH AND REPORT ON USE OF BIOFUELS BY THE DEPARTMENT OF DEFENSE.

(a) IDENTIFICATION OF OPPORTUNITIES TO INCREASE BIOFUELS RESEARCH.—The Secretary of Energy and the Secretary of Defense shall jointly identify and assess opportunities to increase research relating to biofuels at the national laboratories of the Department of Energy with the goals of decreasing the cost of biofuels for use by the Department of Defense and decreasing the dependence of the United States on foreign sources of fuel.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the extent to which the use of biofuels by the Department of Defense could offset the increasing fossil fuel demand of the Department.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A projection of the fuel demands of each military department during the five-year period beginning on the date of the enactment of this Act that includes—

(i) the type of fuel expected to be used;

(ii) the expected annual usage; and

(iii) projected transportation costs.

(B) An assessment of opportunities for the military departments to decrease the use of fossil fuels.

SA 3155. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 112. SMALL UNIT SUPPORT VEHICLE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of Defense has directed a strategic shift in focus for the Department of Defense to the Asia-Pacific Theatre.

(2) The only Arctic regions of the United States are within the Asia-Pacific Theatre.

(3) The conditions presented by terrain in Arctic regions is the harshest on the earth, and the Armed Forces must be able to operate in the conditions caused by such terrain.

(4) Unique equipment is needed to be able to effectively survive and operate in such conditions.

(5) Among the unique equipment used by Army units to operate in such conditions is the Small Unit Support Vehicle (SUSV).

(6) The Small Unit Support Vehicle is no longer a program of record among the acquisition programs of the Army, and there are no current plans to acquire new models of the Small Unit Support Vehicle.

(7) The Canadian equivalent of the Small Unit Support Vehicle was successfully used in combat in Afghanistan in 2002 in harsh terrain.

(8) Military units currently using the Small Unit Support Vehicle must use a method of ''cannibalization'' that pulls parts from other vehicles in order to repair inoperable ones.

(9) If a solution to the problem of inadequate supplies of replacement parts for the Small Unit Support Vehicle is not found, there will be a gap in national security of the United States.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report setting forth the following:

(1) An assessment of the current and anticipated requirements of the Army for a vehicle that can operate in rugged terrain and in extreme climates such as those in the Arctic.

(2) An assessment of the current supply chain for the Small Unit Support Vehicle.

(3) An assessment of the needs of the Army for a new vehicle that meets the requirements of both the regular and the reserve components of the Army for operations in rugged terrain and extreme conditions such as those in the Arctic.

SA 3156. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1048. REPORT ON PROPOSED ACTIVITIES AT EIELSON AIR FORCE BASE, ALASKA.

(a) IN GENERAL.—Prior to the commencement of procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) related to the transfer of aircraft, the demolition of facilities and infrastructure, or the modification in leadership rank, core functions, mission elements, responsibilities, and capabilities of Eielson Air Force Base, Alaska, as they existed as of November 1, 2011, the Secretary of Defense, in consultation with the Secretary of Homeland Security, shall submit to the congressional defense committees a report on the rationale for such transfer, demolition, or modification.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an analysis of the strategic value of Eielson Air Force Base to operations in the Pacific Area of Responsibility and elsewhere;

(2) the usefulness of Eielson Air Force Base to potential future missions, including military and humanitarian missions in a changing Arctic region;

(3) the basing of F–35 aircraft;

(4) the potential for relocation of combat coded aircraft from overseas bases;

(5) maintenance and expansion of the North Pacific air refueling bridge;

(6) remote piloted vehicle basing; and

(7) proximity of Eielson Air Force Base to the Joint Pacific Alaska Range Complex.

SA 3157. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2705. INCLUSION OF CERTAIN MODIFICATIONS TO CORE FUNCTIONS OR AIRCRAFT AT MILITARY INSTALLATIONS IN DEFINITION OF REALIGNMENT.

Section 2687(e)(3) of title 10, United States Code, is amended by inserting before the period at the end the following: ", except that such term does include a reduction of force resulting from a modification in core functions or aircraft at an Air Force installation during fiscal years 2013, 2014, or 2015 that otherwise meets the criteria of subsection (a)".

SA 3158. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. PLAN TO PARTNER WITH STATE AND LOCAL ENTITIES TO ADDRESS VETERANS CLAIMS BACKLOG.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Veterans Affairs defines any claim for benefits under laws administered by the Secretary of Veterans Affairs as backlogged if the claim has been pending for 125 days or more.

(2) According to the Department, as of November 24, 2012, there were 899,540 pending claims, with 604,583 (67.2 percent) of those considered backlogged.

(3) The Department's data further shows that, on November 22, 2010, there were 749,934 claims pending, with only 244,129 (32.6 percent) of those considered backlogged.

(4) During the past two years, both the overall number of backlogged claims and the percentage of all pending claims that are backlogged have doubled.

(5) In order to reduce the claims backlog at regional offices of the Department of Veterans Affairs located in Texas, the Texas Veterans Commission announced two initiatives on July 19, 2012, to partner with the Department of Veterans Affairs—

(A) to assist veterans whose claims are already backlogged to complete development of those claims; and

(B) to help veterans who are filing new claims to fully develop those claims prior to filing them, shortening the processing time required.

(6) The common goal of the two initiatives of the Texas Veterans Commission, called the "Texas State Strike Force Team" and the "Fully Developed Claims Team Initiative", is to reduce the backlog of claims pending in Texas by 17,000 within one year.

(7) During the first two months of these new initiatives, the Texas Veterans Commission helped veterans complete development of more than 2,500 backlogged claims and assisted veterans with the submission of more than 800 fully developed claims.

(8) In testimony before the Subcommittee on Disability Assistance and Memorial Affairs of the Committee on Veterans' Affairs of the House of Representatives on September 21, 2012, Diana Rubens, Deputy Under Secretary for Field Operations of the Veterans Benefits Administration, indicated that the Department of Veterans Affairs has experienced positive outcomes in projects with the Texas Veterans Commission, stating that both Veterans Service Organizations "and state and county service officers . . . are important partners in VBA's transformation to better serve Veterans.".

(9) At the same hearing, Mr. John Limpose, director of the regional office of the Department of Veterans Affairs in Waco, Texas, testified that the "TVC is working very, very well" with regional offices of the Department in Texas, calling the Texas Veterans Commission a "very positive story that we can branch out into . . . all of our stakeholders.".

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to reduce the current backlog of pending claims for benefits under laws administered by the Secretary and more efficiently process claims for such benefits in the future.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A summary of all steps the Secretary has taken thus far to partner with non-Federal entities in support of efforts to reduce the backlog described in paragraph (1) and more efficiently process claims described in such paragraph in the future, including two previous initiatives by the Texas Veterans Commission, namely the 2008–2009 Development Assistant Pilot Project and the 2009–2011 Claims Processing Assistance Team.

(B) A plan for the Secretary to partner with non-Federal entities to support efforts to reduce such backlog and more efficiently process such claims in the future, including the following:

(i) State and local agencies relating to veterans affairs.

(ii) Organizations recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(iii) Such other relevant government and non-government entities as the Secretary considers appropriate.

(C) A description of how the Secretary intends to leverage partnerships with non-Federal entities described in subparagraph (B) to eliminate such backlog, including through increasing the percentage of claims that are fully developed prior to submittal to the Secretary and ensuring that new claims are fully developed prior to their submittal.

(D) A description of what steps the Secretary has taken and will take—

(i) to expedite the processing of claims that are already fully developed at the time of submittal; and

(ii) to support initiatives by non-Federal entities described in subparagraph (B) to help claimants gather and submit necessary evidence for claims that were previously filed but require further development.

(E) A description of how partnerships with non-Federal entities described in subparagraph (B) will fit into the Secretary's overall claims processing transformation plan.

SA 3159. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 146. MQ–9 REAPER UNMANNED AERIAL VEHICLES.

(a) ADDITIONAL AMOUNT FOR AIR FORCE PROCUREMENT.—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by $36,800,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for procurement for the Air Force for procurement of unmanned aerial vehicles as specified in the funding table in section 4101.

(b) AVAILABILITY.—The amount authorized and made available by subsection (a) may be obligated and expended for the procurement of an MQ–9 Reaper unmanned aerial vehicle.

SA 3160. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

On page 176, line 8, insert before the period the following: ", unless the transition results

in a permanent change of station and shipment of household goods''.

SA 3161. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. NATIONAL PUBLIC AWARENESS AND PARTICIPATION CAMPAIGN FOR VETERANS' HISTORY PROJECT OF AMERICAN FOLKLIFE CENTER.

(a) IN GENERAL.—The Director of the American Folklife Center at the Library of Congress shall carry out a national public awareness and participation campaign for the program required by section 3(a) of the Veterans' Oral History Project Act (20 U.S.C. 2142(a)). Such campaign shall provide for the following:

(1) Encouraging the people of the United States, veterans organizations, community groups, and national organizations to participate in such program.

(2) Ensuring greater awareness and participation throughout the United States in such program.

(3) Providing meaningful opportunities for learning about the experiences of veterans.

(4) Assisting in the readjustment and successful reintegration of veterans into civilian life after service in the Armed Forces.

(b) COORDINATION AND COOPERATION.—To the degree practicable, the Director shall, in carrying out the campaign required by subsection (a), coordinate and cooperate with veterans service organizations.

(c) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term ''veterans service organization'' means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

SA 3162. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

SEC. 735. COORDINATION OF ACTIVITIES ON RESEARCH, PREVENTION, AND TREATMENT RELATING TO POST-TRAUMATIC STRESS DISORDER.

(a) DESIGNATION OF COORDINATING ORGANIZATION.—The President shall designate, and may redesignate from time to time, the head of an appropriate department or agency of the Federal Government to coordinate all research activities and prevention and treatment efforts undertaken or funded by the Executive Branch of the Federal Government on post-traumatic stress disorder.

(b) PUBLIC ADVISORY COMMITTEE.—

(1) IN GENERAL.—Not later than June 27, 2013, the head of the department or agency designated under subsection (a) shall establish an advisory committee to provide advice to the head of that department or agency on proposed studies, plans, or strategies relating to research activities and prevention and treatment efforts described in such subsection.

(2) COMPOSITION.—The advisory committee established under paragraph (1) shall consist of consisting of the following:

(A) Members of the general public.

(B) Experts in the field of mental health.

(C) Veterans who served in the Armed Forces on active duty and were deployed in connection with a contingency operation (as defined in section 101 of title 10, United States Code) after September 1, 2001.

(D) Representatives of such veterans.

(E) Representatives of Government departments or agencies conducting research activities or prevention or treatment described in subsection (a).

(3) CONSULTATION.—The department or agency head described in paragraph (1) shall consult with the advisory committee established under such paragraph on a regular basis.

(c) REPORT.—Not later than March 1 of each year, the head of the department or agency designated under subsection (a) shall submit to the appropriate committees of Congress a report on the status and results of all research, prevention, and treatment activities undertaken by or for the Executive Branch of the Federal Government during the previous year relating to post-traumatic stress disorder.

(d) PUBLIC AVAILABILITY OF RESEARCH FINDINGS.—The head of the department or agency designated under subsection (a) shall ensure that the findings of all research conducted by or for the Executive Branch relating to post-traumatic stress disorder research, prevention, and treatment activities are made available to the public through peer-reviewed medical journals, the World Wide Web, and other appropriate media.

(e) OUTREACH.—The head of the department or agency designated under subsection (a) shall ensure that appropriate departments consult and coordinate in carrying out an ongoing program to provide information to veterans described in subsection (b)(2)(C) relating to the following:

(1) The kinds of physical and mental conditions and injuries that have been incurred by members of the Armed Forces and veterans as a result of service described in subsection (b)(2)(C), particularly with respect to post-traumatic stress.

(2) Any services or benefits available with respect to such conditions and injuries.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

SA 3163. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1064. REPORT ON NIGHT VISION EXPORT CONTROL REGULATIONS.

(a) UPDATING OF EXPORT REGULATIONS.—The Secretary of Defense shall review and revise the Department of Defense's night vision export regulations and specifications to ensure a robust domestic manufacturing capability.

(b) REPORT.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report describing actions taken to update the Department of Defense's night vision export regulations pursuant to subsection (a).

SA 3164. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1221. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN AND CERTAIN OTHER COUNTRIES.

(a) NONEXCESS ARTICLES AND RELATED SERVICES.—The Secretary of Defense may, with the concurrence of the Secretary of State, transfer nonexcess defense articles from the stocks of the Department of Defense, without reimbursement from the government of the recipient country, and provide defense services in connection with the transfer of such defense articles, as follows:

(1) To the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(2) To the military and security forces of Yemen to support the efforts of those forces to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula.

(3) To the military and security forces of Somalia and other countries in the East Africa region to support the efforts of those forces to conduct counterterrorism and postconflict stability operations in Somalia.

(b) LIMITATIONS.—

(1) VALUE.—The aggregate replacement value of all defense articles transferred and defense services provided in connection with such defense articles under subsection (a) in any fiscal year may not exceed $250,000,000.

(2) SOURCE OF TRANSFERRED ARTICLES.—The authority under subsection (a) may only be used for defense articles that—

(A) were present in Afghanistan as of the date of the enactment of this Act;

(B) immediately before transfer were in use to support operations in Afghanistan; and

(C) are no longer required by United States forces in Afghanistan.

(c) APPLICABLE LAW.—Any defense articles transferred or defense services provided under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) REPORT REQUIRED BEFORE EXERCISE OF AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense may not exercise the authority under subsection (a) until 15 days after the Secretary submits to the appropriate committees of Congress a report on the equipment and other property of the Department of Defense in Afghanistan.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A description of the process for inventorying equipment and property, including defense articles, in Afghanistan owned by the Department of Defense, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(B) An estimate of the types and quantities of equipment and property of the Department of Defense, including defense articles, anticipated to be withdrawn from Afghanistan in connection with the drawdown of United States military forces from Afghanistan between the date of the enactment of this Act and December 31, 2014, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(e) NOTICE ON EXERCISE OF AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate committees of Congress notice of the proposed transfer of defense articles and provision of defense services.

(2) ELEMENTS.—A notice under paragraph (1) shall include the following:

(A) A description of the amount and types of defense articles to be transferred and defense services to be provided.

(B) A statement describing the current value of the defense articles to be transferred and the estimated replacement value of such articles.

(C) An identification of the element of the military or security force that is the proposed recipient of the defense articles to be transferred and defense service to be provided.

(D) An identification of the military department from which the defense articles to be transferred are to be drawn.

(E) An assessment of the impact, if any, of the transfer of defense articles on the readiness of units from which the defense articles are to be transferred, and the plan, if any, for mitigating such impact or reimbursing the military department of such units for such defense articles.

(F) An assessment of the ability of the recipient government to sustain the costs associated with receiving, possessing, and using the defense articles to be transferred.

(G) A determination and certification by the Secretary of Defense that—

(i) the proposed transfer of the defense articles to be transferred and the provision of defense services to be provided in connection with such transfer is in the national interest of the United States;

(ii) for the transfer of defense articles under the authority in subsection (a)(1), such defense articles are required by the military and security forces of Afghanistan to build their capacity to restore and maintain peace and security in that country;

(iii) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(2), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capacities of the military and security forces of Yemen required to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula; and

(iv) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(3), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capabilities of the military and security forces of the recipient country to conduct counterterrorism and postconflict stability operations in Somalia.

(f) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the first transfer of defense articles and provision of defense services under the authority in subsection (a), and at the end of each calendar quarter, if any, thereafter through March 31, 2015, in which the authority in subsection (a) is exercised, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the implementation of the authority in subsection (a). Each report shall include the replacement value of the defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and defense services provided to recipient countries, during the 90-day period ending on the date of such report.

(2) INCLUSION IN OTHER REPORT.—A report required under paragraph (1) may be included in the report required under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2410) or any follow on report to such other report.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) DEFENSE ARTICLES.—The term ''defense articles'' has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) DEFENSE SERVICES.—The term ''defense services'' has the meaning given the term in section 644(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(f)).

(4) MILITARY AND SECURITY FORCES.—The term ''military and security forces'' means national armies, national air forces, national navies, national guard forces, police forces, and border security forces, but does not include nongovernmental or irregular forces (such as private militias).

(5) EAST AFRICA REGION.—The term ''East Africa region'' means Burundi, Djibouti, Ethiopia, Kenya, Somalia, and Uganda.

(h) EXPIRATION.—The authority provided in subsection (a) may not be exercised after December 31, 2014.

(i) EXCESS DEFENSE ARTICLES.—

(1) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by section 516 of the Foreign Assistance Act of 1961.

(2) EXEMPTIONS.—(A) During fiscal years 2013 and 2014, the value of excess defense articles transferred from the stocks of the Department of Defense in Afghanistan to Afghanistan, Yemen, Somalia, or other countries in the East Africa region pursuant to section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such section.

(B) During fiscal years 2013 and 2014, any excess defense articles specified in subparagraph (A) shall not be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 contained in subsections (b)(1)(B) and (e) of such section.

(3) CONSTRUCTION EQUIPMENT.—Notwithstanding section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)) and section 2562 of title 10, United States Code, construction equipment from the stocks of the Department of Defense in Afghanistan may be transferred as excess defense articles under section 516 of the Foreign Assistance Act of 1961 and subject to the provisions of this subsection.

SA 3165. Mr. REED (for himself and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—HOUSING ASSISTANCE FOR VETERANS

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Housing Assistance for Veterans Act of 2012'' or the ''HAVEN Act''.

SEC. 5002. DEFINITIONS.

In this division:

(1) DISABLED.—The term ''disabled'' means an individual with a disability, as defined by section 12102 of title 42, United States Code.

(2) ELIGIBLE VETERAN.—The term ''eligible veteran'' means a disabled or low-income veteran.

(3) ENERGY EFFICIENT FEATURES OR EQUIPMENT.—The term ''energy efficient features or equipment'' means features of, or equipment in, a primary residence that help reduce the amount of electricity used to heat, cool, or ventilate such residence, including insulation, weatherstripping, air sealing, heating system repairs, duct sealing, or other measures.

(4) LOW-INCOME VETERAN.—The term ''low-income veteran'' means a veteran whose income does not exceed 80 percent of the median income for an area, as determined by the Secretary.

(5) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization that is—

(A) described in section 501(c)(3) or 501(c)(19) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of such Code.

(6) PRIMARY RESIDENCE.—

(A) IN GENERAL.—The term ''primary residence'' means a single family house, a duplex, or a unit within a multiple-dwelling structure that is an eligible veteran's principal dwelling and is owned by such veteran or a family member of such veteran.

(B) FAMILY MEMBER DEFINED.—For purposes of this paragraph, the term ''family member'' includes—

(i) a spouse, child, grandchild, parent, or sibling;

(ii) a spouse of such a child, grandchild, parent, or sibling; or

(iii) any individual related by blood or affinity whose close association with a veteran is the equivalent of a family relationship.

(7) QUALIFIED ORGANIZATION.—The term ''qualified organization'' means a nonprofit organization that provides nationwide or State-wide programs that primarily serve veterans or low-income individuals.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(9) VETERAN.—The term ''veteran'' has the same meaning as given such term in section 101 of title 38, United States Code.

(10) VETERANS SERVICE ORGANIZATION.—The term ''veterans service organization'' means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

SEC. 5003. ESTABLISHMENT OF A PILOT PROGRAM.

(a) GRANT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to award grants to qualified organizations to rehabilitate and modify the primary residence of eligible veterans.

(2) COORDINATION.—The Secretary shall work in conjunction with the Secretary of Veterans Affairs to establish and oversee the pilot program and to ensure that such program meets the needs of eligible veterans.

(3) MAXIMUM GRANT.—A grant award under the pilot program to any one qualified organization shall not exceed $1,000,000 in any one fiscal year, and such an award shall remain available until expended by such organization.

(b) APPLICATION.—

(1) IN GENERAL.—Each qualified organization that desires a grant under the pilot program shall submit an application to the Secretary at such time, in such manner, and, in addition to the information required under paragraph (2), accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

(A) a plan of action detailing outreach initiatives;

(B) the approximate number of veterans the qualified organization intends to serve using grant funds;

(C) a description of the type of work that will be conducted, such as interior home modifications, energy efficiency improvements, and other similar categories of work; and

(D) a plan for working with the Department of Veterans Affairs and veterans service organizations to identify veterans and serve their needs.

(3) PREFERENCES.—In awarding grants under the pilot program, the Secretary shall give preference to a qualified organization—

(A) with experience in providing housing rehabilitation and modification services for disabled veterans; or

(B) that proposes to provide housing rehabilitation and modification services for eligible veterans who live in rural areas (the Secretary, through regulations, shall define the term ''rural areas'').

(c) CRITERIA.—In order to receive a grant award under the pilot program, a qualified organization shall meet the following criteria:

(1) Demonstrate expertise in providing housing rehabilitation and modification services for disabled or low-income individuals for the purpose of making the homes of such individuals accessible, functional, and safe for such individuals.

(2) Have established outreach initiatives that—

(A) would engage eligible veterans and veterans service organizations in projects utilizing grant funds under the pilot program; and

(B) identify eligible veterans and their families and enlist veterans involved in skilled trades, such as carpentry, roofing, plumbing, or HVAC work.

(3) Have an established nationwide or State-wide network of affiliates that are—

(A) nonprofit organizations; and

(B) able to provide housing rehabilitation and modification services for eligible veterans.

(4) Have experience in successfully carrying out the accountability and reporting requirements involved in the proper administration of grant funds, including funds provided by private entities or Federal, State, or local government entities.

(d) USE OF FUNDS.—A grant award under the pilot program shall be used—

(1) to modify and rehabilitate the primary residence of an eligible veteran, and may include—

(A) installing wheelchair ramps, widening exterior and interior doors, reconfigurating and re-equipping bathrooms (which includes installing new fixtures and grab bars), removing doorway thresholds, installing special lighting, adding additional electrical outlets and electrical service, and installing appropriate floor coverings to—

(i) accommodate the functional limitations that result from having a disability; or

(ii) if such residence does not have modifications necessary to reduce the chances that an elderly, but not disabled person, will fall in their home, reduce the risks of such an elderly person from falling;

(B) rehabilitating such residence that is in a state of interior or exterior disrepair; and

(C) installing energy efficient features or equipment if—

(i) an eligible veteran's monthly utility costs for such residence is more than 5 percent of such veteran's monthly income; and

(ii) an energy audit of such residence indicates that the installation of energy efficient features or equipment will reduce such costs by 10 percent or more;

(2) in connection with modification and rehabilitation services provided under the pilot program, to provide technical, administrative, and training support to an affiliate of a qualified organization receiving a grant under such pilot program; and

(3) for other purposes as the Secretary may prescribe through regulations.

(e) OVERSIGHT.—The Secretary shall direct the oversight of the grant funds for the pilot program so that such funds are used efficiently until expended to fulfill the purpose of addressing the adaptive housing needs of eligible veterans.

(f) MATCHING FUNDS.—

(1) IN GENERAL.—A qualified organization receiving a grant under the pilot program shall contribute towards the housing modification and rehabilitation services provided to eligible veterans an amount equal to not less than 50 percent of the grant award received by such organization.

(2) IN-KIND CONTRIBUTIONS.—In order to meet the requirement under paragraph (1), such organization may arrange for in-kind contributions.

(g) LIMITATION COST TO THE VETERANS.—A qualified organization receiving a grant under the pilot program shall modify or rehabilitate the primary residence of an eligible veteran at no cost to such veteran (including application fees) or at a cost such that such veteran pays no more than 30 percent of his or her income in housing costs during any month.

(h) REPORTS.—

(1) ANNUAL REPORT.—The Secretary shall submit to Congress, on an annual basis, a report that provides, with respect to the year for which such report is written—

(A) the number of eligible veterans provided assistance under the pilot program;

(B) the socioeconomic characteristics of such veterans, including their gender, age, race, and ethnicity;

(C) the total number, types, and locations of entities contracted under such program to administer the grant funding;

(D) the amount of matching funds and in-kind contributions raised with each grant;

(E) a description of the housing rehabilitation and modification services provided, costs saved, and actions taken under such program;

(F) a description of the outreach initiatives implemented by the Secretary to educate the general public and eligible entities about such program;

(G) a description of the outreach initiatives instituted by grant recipients to engage eligible veterans and veteran service organizations in projects utilizing grant funds under such program;

(H) a description of the outreach initiatives instituted by grant recipients to identify eligible veterans and their families; and

(I) any other information that the Secretary considers relevant in assessing such program.

(2) FINAL REPORT.—Not later than 6 months after the completion of the pilot program, the Secretary shall submit to Congress a report that provides such information that the Secretary considers relevant in assessing the pilot program.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this division $4,000,000 for each of fiscal years 2013 through 2017.

SA 3166. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 577. REPORT ON FUTURE OF FAMILY SUPPORT PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the anticipated future of the family support programs of the Department of Defense during the five-year period beginning on the date of the submittal of the report as end strengths for the Armed Forces are reduced and the Armed Forces are drawn down from combat operations in Afghanistan.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the current family support programs of each of the Armed Forces and the Department of Defense, including the name, scope and intended purpose of each program.

(2) An assessment of the current costs of the family support programs covered by paragraph (1), and an estimate of the costs of anticipated family support programs of the Department over the period covered by the report.

(3) An assessment of the costs and other consequences associated with the elimination or reduction of any current family support programs of the Department over the period covered by the report.

(4) An assessment by the Secretary of the Army of the Family Readiness Support Assistant program, and a description of any planned or anticipated changes to that program over the period covered by the report.

SA 3167. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. UNITED STATES SECRET SERVICE RETIREMENT.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that members of the United States Secret Service Division and the United States Secret Service Uniformed Division hired between January 1, 1984 and December 31, 1986 were promised that, in part as a recruitment and retention tool, they would be eligible to participate in the District of Columbia Police and Firefighters Retirement System.

(b) AUTHORITY OF CERTAIN MEMBERS OF UNITED STATES SECRET SERVICE TO ELECT COVERAGE UNDER DISTRICT OF COLUMBIA POLICE AND FIREFIGHTER RETIREMENT SYSTEM.—

(1) IN GENERAL.—Subsection (b) of the Policemen and Firemen's Retirement and Disability Act (sec. 5–703, D.C. Official Code) is amended—

(A) by striking ''Whenever any member'' and inserting ''(1) IN GENERAL.—Whenever any member''; and

(B) by adding at the end the following new paragraph:

''(2) COVERAGE OF CERTAIN OTHER EMPLOYEES OF SECRET SERVICE.—

''(A) IN GENERAL.—Paragraph (1) shall apply with respect to a covered employee in the same manner as such paragraph applies to an individual who is authorized to make a transfer of funds under such paragraph, but only if—

''(i) not later than 60 days after receiving notification of the transition cost associated with the application of paragraph (1) to the covered employee (as provided under section 1084(b)(2)(B) of the National Defense Authorization Act for Fiscal Year 2013), the covered employee provides a notification to the Director of the United States Secret Service containing such information and assurances as the Director may require; and

''(ii) on or before the date the covered employee provides a notification under clause (i), the employee makes a lump sum payment in an amount equal to the transition cost associated with the application of paragraph (1) to the covered employee, determined in accordance with section 1084(b)(3) of the National Defense Authorization Act for Fiscal Year 2013, for deposit into the Contributions for Annuity Benefits, United States Secret Service appropriations account of the Department of Homeland Security.

''(B) ADJUSTMENT TO REFLECT SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS.—In the case of a covered employee who authorizes a transfer of funds under paragraph (1), such covered employee shall be subject to the same deductions and shall be entitled to the same benefits as provided for under paragraph (1), subject to offset in accordance with section 103(e) of Public Law 100–238 (5 U.S.C. 8334 note).

''(C) COVERED EMPLOYEE DEFINED.—In this paragraph, the term 'covered employee' means an individual who—

''(i) was appointed during 1984, 1985, or 1986—

''(I) as a member of the United States Secret Service Uniformed Division as defined under section 10201(1) of title 5, United States Code; or

''(II) to the United States Secret Service as a criminal investigator as defined under section 5545a(a)(2) of title 5, United States Code;

''(ii) has actively performed duties other than clerical for 10 or more years directly related to the protection mission of the United States Secret Service described under section 3056 of title 18, United States Code;

''(iii) is serving as an officer or member of the United States Secret Service Uniformed Division as defined under section 10201(1) of title 5, United States Code, or is employed by the United States Secret Service as a criminal investigator as defined under section 5545a(a)(2) of title 5, United States Code; and

''(iv) is covered under the Federal Employees' Retirement System under chapter 84 of title 5, United States Code, on the date of enactment of this paragraph.''.

(2) NOTIFICATIONS.—

(A) INITIAL NOTIFICATION BY SECRET SERVICE.—Not later than 30 days after the date of the enactment of this Act, the Director of the United States Secret Service shall notify each covered employee that the covered employee may execute an election under this paragraph to have paragraph (1) of subsection (b) of the Policemen and Firemen's Retirement and Disability Act (sec. 5–703, D.C. Official Code) apply with respect to the covered employee.

(B) NOTIFICATION OF TRANSITION COST.—Not later than 15 days after determining the amount of the transition cost associated with the application of paragraph (1) of subsection (b) of the Policemen and Firemen's Retirement and Disability Act (sec. 5–703, D.C. Official Code) to a covered employee (in accordance with paragraph (3)), the Director of the United States Secret Service shall notify the covered employee of such transition cost.

(3) TRANSITION COST.—

(A) DETERMINATION OF AMOUNT.—The transition cost associated with the application of paragraph (1) of subsection (b) of the Policemen and Firemen's Retirement and Disability Act to a covered employee is the amount by which—

(i) the estimated present value of the payments which would be payable by the Federal Government to the District of Columbia with respect to such employee during the 11-fiscal year period beginning with the fiscal year in which this Act is enacted if such paragraph applies with respect to the covered employee, exceeds

(ii) the estimated present value of the benefits which would be payable from the Civil Service Retirement and Disability Fund with respect to such employee during the 11-year period described in clause (i) if such paragraph does not apply with respect to the covered employee.

(B) DETERMINATION.—

(i) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Office of Pay and Retirement Services of the District of Columbia shall determine the transition cost with respect to each covered employee, by applying such assumptions and other methodologies as the Office of Pay and Retirement Services of the District of Columbia considers appropriate, consistent with generally accepted actuarial practices and standards.

(ii) ADDITIONAL RESOURCES.—

(I) IN GENERAL.—The Office of Pay and Retirement Services of the District of Columbia may enter into contracts as necessary to enable that Office to carry out activities under this subparagraph.

(II) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated not to exceed $75,000 to carry out this subparagraph.

(4) DEFINITION.—In paragraphs (2) and (3), the term ''covered employee'' means an individual described in paragraph (2) of subsection (b) of the Policemen and Firemen's Retirement and Disability Act (sec. 5–703, D.C. Official Code), as added by paragraph (1).

(c) FORFEITURE OF EMPLOYER CONTRIBUTIONS FOR THRIFT SAVINGS PLAN.—

(1) IN GENERAL.—A covered employee shall forfeit all contributions to the Thrift Savings Fund made by an employing agency pursuant to section 8432(c) of title 5, United States Code, for the benefit of the covered employee before the effective date of the election made by the employee under subsection (b)(2) of this section.

(2) DEFINITION.—In this subsection, the term ''covered employee'' means an individual described in subparagraph (C) of subsection (b)(2) of the Policemen and Firemen's Retirement and Disability Act, as added by this section, who provides a notification in accordance with subparagraph (A) of such subsection (b)(2).

(d) TREATMENT OF REEMPLOYED ANNUITANTS.—

(1) IN GENERAL.—For purposes of section 8468 of title 5, United States Code, a covered employee (as defined in subsection (c)(2)) who is receiving benefits under the Policemen and Firemen's Retirement and Disability Act pursuant to an election made under subsection (b)(2) shall be deemed to be an annuitant, as defined under section 8401 of title 5, United States Code.

(2) REGULATIONS.—The Director of the Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection, including regulations under which an employing agency shall accept the certification of the appropriate official of the government of the District of Columbia regarding the amount of retirement benefits being paid to a covered District of Columbia retiree for a period during which such retiree is employed in an appointive or elective position with the agency.

SA 3168. Mr. NELSON of Nebraska (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

Subtitle D—Other Matters

SEC. 3141. SENSE OF CONGRESS ON OVERSIGHT OF THE NUCLEAR SECURITY ENTERPRISE.

(a) FINDINGS.—Congress makes the following findings:

(1) In 2000, the National Nuclear Security Administration was established as an independent entity within the Department of Energy to manage and secure the nuclear weapons stockpile of the United States and to manage nuclear nonproliferation and naval reactor programs.

(2) Serious security and health incidents continue to occur at sites of the National Nuclear Security Administration.

(3) In September 2012, an official of the Government Accountability Office testified to Congress that lax laboratory attitudes toward safety procedures, laboratory inadequacies in identifying and addressing safety problems with appropriate corrective actions, and inadequate oversight by site offices of the National Nuclear Security Administration were responsible for nearly 100 safety incidents since 2000.

(4) On July 28, 2012, three unarmed individuals compromised security at the Y–12 National Security Complex in Oak Ridge, Tennessee, and according to the Government Accountability Office, ''gained access to the protected security area directly adjacent to one of the nation's most critically important nuclear weapons-related facilities''.

(5) In June 2006, hackers attacked an unclassified computer system at the National

Nuclear Security Administration's Service Center in Albuquerque, New Mexico, and gained access to a file containing the names and social security numbers of more than 1,500 employees of the National Nuclear Security Administration.

(6) As early as February 2005, the Inspector General of the Department of Energy identified problems with the retrieval of badges from terminated employees at Los Alamos National Laboratory and other sites of the National Nuclear Security Administration.

(7) In 2004, a pattern of safety and security incidents that occurred over the course of a year prompted the stand-down of Los Alamos National Laboratory.

(8) The National Nuclear Security Administration, independent of the safety and security reform efforts of the Department of Energy, has launched an overhaul of its contracting oversight, placing an emphasis on contractor self-policing through an untested ''contractor assurance'' approach.

(9) The Government Accountability Office has given the contractor administration and project management capabilities of the National Nuclear Security Administration a ''high risk'' designation and found there to be insufficient qualified Federal acquisition professionals to ''plan, direct, and oversee project execution''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there is a need for strong, independent oversight of the United States nuclear security enterprise;

(2) any attempt to reform oversight of the nuclear security enterprise that transfers oversight from the Department of Energy to the National Nuclear Security Administration, reduces protections for worker health and safety at facilities of the National Nuclear Security Administration to levels below the standards of the Department of Energy, or transfers construction appropriations for the nuclear security enterprise from the Department of Energy appropriation account to the military construction appropriation account, should be rejected;

(3) the Office of Health, Safety, and Security of the Department of Energy, which reports to the Secretary of Energy but is also accountable for routinely reporting to Congress on the performance with respect to safety and security of the Department, including the National Nuclear Security Administration, and the role of that Office in overseeing safety and security at the National Nuclear Security Administration, should not be diminished; and

(4) any future modifications to the management or structure of the nuclear security enterprise should be done in a way that maintains or increases oversight of critical construction, security, and acquisition capabilities.

SA 3169. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 888. STUDY ON ARMY SMALL ARMS AND AMMUNITION ACQUISITION.

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center to conduct a study on the Army's acquisition of small arms and ammunition to determine each of the following:

(A) A comparative evaluation of the current military small arms in use by United States general purpose and special operations forces, allied foreign militaries, and those potential candidate small arms not necessarily in use militarily but available commercially.

(B) An assessment of the Department of Defense's current plans to modernize its small arms capabilities.

(C) A comparative evaluation of the Army's standard small arms ammunition with other small arms ammunition alternatives.

(2) FACTORS TO CONSIDER.—The study required under subsection (a) shall take into consideration the following factors:

(A) Current and future operating environments as specified or referred to in Department of Defense strategic guidance and planning documents.

(B) Modifications and improvements recently applied to United States general purpose and special operations forces small arms as well as their potential for continued modification and improvement.

(C) Industrial base impacts.

(3) ACCESS TO INFORMATION.—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a), together with the comments of the Secretary of Defense on the findings contained in the study.

(2) CLASSIFIED ANNEX.—The report shall be in unclassified form, but may contain a classified annex.

(c) DEFINITIONS.—In this section:

(1) The term ''small arms'' means firearms up to but not including .50 caliber and shotguns.

(2) The term ''small arms ammunition'' means ammunition or ordnance for firearms up to but not including .50 caliber and shotguns.

SA 3170. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 216. ENHANCEMENTS OF THE RESEARCH AND DEVELOPMENT CONDUCTED BY THE DEPARTMENT OF DEFENSE.

(a) REDUCTION OF DUPLICATION.—

(1) PLAN FOR REDUCTION OF UNNECESSARY DUPLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of the Office of Management and Budget, the Secretary of Veterans Affairs, the Secretary of Energy, the Secretary of Health and Human Services, the Director of the National Institutes of Health, the Director of the National Science Foundation, the Administrator of the National Aeronautics and Space Administration, the Administrator of the National Oceanic and Atmospheric Administration, and the heads of other appropriate scientific agencies of the Federal Government, develop a plan to ensure such departments and agencies are effectively coordinating on matters relating to research and development and have the means to more efficiently cross-check grant applications and recipients to identify and prevent unnecessary duplication in such matters. The plan shall take into consideration the recommendations made by the Government Accountability Office in the report entitled ''2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue'' (GAO–12–342SP). The plan shall include specific objectives, actions, and schedules.

(2) PLAN FOR REDUCTION IN CERTAIN MEDICAL RESEARCH.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs and the Secretary of Health and Human Services, submit to Congress a plan to eliminate unnecessary duplication in the research being conducted by the Congressionally Directed Medical Research Program of the Department of Defense by transferring research that is not directly related to military service to another appropriate department or agency of the Federal Government. The plan shall include such recommendations for legislative and administrative action as the Secretaries consider appropriate to implement the plan.

(b) ENHANCEMENT OF TRANSPARENCY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of the Office of Management and Budget, develop guidance to ensure that—

(A) the Department of Defense and the components of the Department are reporting information required by the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282; 31 U.S.C. 6101 note) regarding recipients of grants, contracts, or other forms of Federal financial assistance provided by the Department of Defense using covered research, development, test, and evaluation funds; and

(B) such information is posted in a timely manner on the Internet website of the Office of Management and Budget available to the public.

(2) ADDITIONAL INTERNET WEBSITE.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense, shall develop a searchable Internet website available to the public that lists grants awarded by the Department using covered research, development, test, and evaluation funds. The information posted on the website regarding a grant shall include the following:

(A) The name and location of the recipient of the grant.

(B) The total amount of the grant, and the amount of the grant to be disbursed by year in the case of a multi-year grant.

(C) The duration of the grant.

(D) The purpose of the grant.

(3) COVERED RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS DEFINED.—In this subsection, the term ''covered research, development, test, and evaluation funds'' means amounts authorized to be appropriated for the Department of Defense for a fiscal year after fiscal year 2013 for research, development, test, and evaluation.

(c) PRIORITY IN DEFENSE RESEARCH FOR NATIONAL SECURITY AND CARE OF WOUNDED WARRIORS.—

(1) LIMITATION ON AVAILABILITY OF CERTAIN AMOUNTS.—Notwithstanding any other provision of this Act, amounts authorized to be appropriated for fiscal year 2013 for the Department of Defense by this title for research, development, test, and evaluation may be obligated and expended only on programs, projects, and initiatives directly related to defense activities, such as developing new technologies for the future force, combating terrorism and other emerging threats, increasing military combat capabilities, and improving care, protection, and the health and well-being of members of the Armed Forces.

(2) FOREIGN COMPARATIVE TESTING PROGRAM.—

(A) IN GENERAL.—The Foreign Comparative Testing (FCT) program shall support the testing of technologies, products, and other items with a high Technology Readiness Level that could fill gaps in mission requirements.

(B) LIMITATION ON AVAILABILITY OF FUNDS.—No funds authorized to be appropriated by this Act for the Foreign Comparative Testing program may be obligated or expended to develop products or technologies (such as beef jerky or the osmotic dehydration process) not related to weaponry, combat systems, or improving the care of or protecting the health and well-being of members of the Armed Forces.

(d) WAIVER.—The Secretary of Defense may waive any requirement of this section if the Secretary certifies to the congressional defense committees in writing that the waiver is in the national security interests of the United States and includes with such certification a justification for the waiver.

SA 3171. Mr. HATCH (for himself, Mr. ROBERTS, Mr. CHAMBLISS, Mr. BARRASSO, Mr. INHOFE, Mr. WICKER, Mr. LEE, Mr. COBURN, Mr. RISCH, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1246. STATUS OF PALESTINIAN MISSION TO UNITED NATIONS.

No amounts may be appropriated or otherwise made available for contributions to the United Nations if the Security Council or General Assembly of the United Nations grants Palestine, the Palestinian Liberation Organization, or the state of Palestine a change in United Nations status from a permanent observer ''entity'' before the Secretary of State certifies to Congress that a comprehensive peace agreement has been reached with the sovereign state of Israel.

SA 3172. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1233. REPORTS ON SYRIA.

(a) REPORT ON OPPOSITION GROUPS.—

(1) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the President shall submit to Congress a report describing in detail all the known opposition groups, both independent and state-sponsored, inside and outside of Syria, operating directly or indirectly to oppose the Government of Syria.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the current military capacity of opposition forces.

(B) An assessment of the ability of opposition forces inside and outside of Syria to establish military and political activities impacting Syria, together with a practicable timetable for accomplishing these objectives.

(C) An assessment of the ability of any of the opposition groups to establish effective military and political control in Syria.

(D) A description of the composition and political agenda of each of the known opposition groups inside and outside of Syria, and an assessment of the degree to which such groups represent the views of the people of Syria as a whole.

(E) A description of the financial resources currently available to opposition groups and known potential sources of continued financing.

(F) An assessment of the relationship between each of the Syrian opposition groups and the Muslim Brotherhood, al Qaeda, Hezbollah, Hamas, and any other groups that have promoted an agenda that would negatively impact United States national interests.

(G) An assessment of whether active support from the United States to opposition forces would have a positive or negative impact on the factors discussed in subparagraphs (A) through (F).

(b) REPORT ON WEAPONS STOCKPILES.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress an assessment of the size and security of conventional and non-conventional weapons stockpiles in Syria.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of who has or may have access to the stockpiles.

(B) A description of the sources and types of weapons flowing from outside Syria to both government and opposition forces.

(C) A detailed plan to prevent the proliferation of conventional, biological, chemical, and other types of weapons in Syria.

(c) REPORT ON CURRENT ACTIVITIES AND FUTURE PLANS TO PROVIDE ASSISTANCE TO SYRIA'S POLITICAL OPPOSITION.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a report on all the support provided to opposition political forces in Syria.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A full description of the current technical assistance democracy programs conducted by the Department of State and United States Agency for International Development to support the political opposition in Syria.

(B) A full summary of the communications equipment that is currently being provided to the political opposition in Syria, including a description of the entities that have received and that will continue to receive such equipment.

(C) A description of any additional activities the United States plans to undertake in support of the political opposition in Syria.

(D) A description of the funding levels currently dedicated to support the political opposition in Syria.

(d) FORM.—The reports required by this section may be submitted in a classified form, but shall include an unclassified summary.

SA 3173. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 216. ENHANCEMENTS OF THE RESEARCH AND DEVELOPMENT CONDUCTED BY THE DEPARTMENT OF DEFENSE.

(a) REDUCTION OF DUPLICATION.—

(1) PLAN FOR REDUCTION OF UNNECESSARY DUPLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of the Office of Management and Budget, the Secretary of Veterans Affairs, the Secretary of Energy, the Secretary of Health and Human Services, the Director of the National Institutes of Health, the Director of the National Science Foundation, the Administrator of the National Aeronautics and Space Administration, the Administrator of the National Oceanic and Atmospheric Administration, and the heads of other appropriate scientific agencies of the Federal Government, develop a plan to ensure such departments and agencies are effectively coordinating on matters relating to research and development and have the means to more efficiently cross-check grant applications and recipients to identify and prevent unnecessary duplication in such matters. The plan shall take into consideration the recommendations made by the Government Accountability Office in the report entitled ''2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue'' (GAO–12–342SP). The plan shall include specific objectives, actions, and schedules.

(2) PLAN FOR REDUCTION IN CERTAIN MEDICAL RESEARCH.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs and the Secretary of Health and Human Services, submit to Congress a plan to eliminate unnecessary duplication in the research being conducted by the Congressionally Directed Medical Research Program of the Department of Defense by transferring research that is not directly related to military service to another appropriate department or agency of the Federal Government. The plan shall include such recommendations for legislative and administrative action as the Secretaries consider appropriate to implement the plan.

(b) ENHANCEMENT OF TRANSPARENCY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of the Office of Management and Budget, develop guidance to ensure that—

(A) the Department of Defense and the components of the Department are reporting information required by the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282; 31 U.S.C. 6101 note) regarding recipients of grants, contracts, or other forms of Federal financial assistance provided by the Department of Defense using covered research, development, test, and evaluation funds; and

(B) such information is posted in a timely manner on the Internet website of the Office of Management and Budget available to the public.

(2) ADDITIONAL INTERNET WEBSITE.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense, shall develop a searchable Internet website available to the public that lists grants awarded by the Department using covered research, development, test, and evaluation funds. The information posted on the website regarding a grant shall include the following:

(A) The name and location of the recipient of the grant.

(B) The total amount of the grant, and the amount of the grant to be disbursed by year in the case of a multi-year grant.

(C) The duration of the grant.

(D) The purpose of the grant.

(3) COVERED RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS DEFINED.—In this subsection, the term ''covered research, development, test, and evaluation funds'' means amounts authorized to be appropriated for the Department of Defense for a fiscal year after fiscal year 2013 for research, development, test, and evaluation.

(c) PRIORITY IN DEFENSE RESEARCH FOR NATIONAL SECURITY AND CARE OF WOUNDED WARRIORS.—

(1) LIMITATION ON AVAILABILITY OF CERTAIN AMOUNTS.—Notwithstanding any other provision of this Act, amounts authorized to be appropriated for fiscal year 2013 for the Department of Defense by this title for research, development, test, and evaluation may be obligated and expended only on programs, projects, and initiatives directly related to defense activities, such as developing new technologies for the future force, combating terrorism and other emerging threats, increasing military combat capabilities, and improving care, protection, and the health and well-being of members of the Armed Forces.

(2) FOREIGN COMPARATIVE TESTING PROGRAM.—

(A) IN GENERAL.—The Foreign Comparative Testing (FCT) program shall support the testing of technologies, products, and other items with a high Technology Readiness Level that could fill gaps in mission requirements.

(B) LIMITATION ON AVAILABILITY OF FUNDS.—No funds authorized to be appropriated by this Act for the Foreign Comparative Testing program may be obligated or expended to develop products or technologies (such as beef jerky or the osmotic dehydration process) not related to weaponry, combat systems, or improving the care of or protecting the health and well-being of members of the Armed Forces.

(d) WAIVER.—The Secretary of Defense may waive any requirement of this section if the Secretary certifies to the congressional defense committees in writing that the waiver is in the national security interests of the United States and includes with such certification a justification for the waiver.

SA 3174. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. ELIGIBILITY FOR INTERMENT IN NATIONAL CEMETERIES.

(a) IN GENERAL.—Section 2402(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(10) Any individual who—

''(A) the Secretary determines served in combat support of the Armed Forces (including combat support involving any covert action of the United States, as defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b)) in the Kingdom of Laos during the period beginning on February 28, 1961, and ending on May 15, 1975; and

''(B) at the time of the individual's death was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to an individual dying on or after the date of the enactment of this Act.

SA 3175. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 344. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF TICONDEROGA CLASS CRUISERS OR DOCK LANDING SHIPS.

(a) LIMITATION.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended to retire, prepare to retire, inactivate, or place in storage a cruiser or dock landing ship.

(b) EXCEPTION.—Notwithstanding subsection (a), the U.S.S. Port Royal, CG 73, is authorized for retirement.

(c) MAINTAINED LEVELS.—The Secretary of the Navy, in supporting the operational requirements of the combatant commands, shall maintain the operational capability and perform the necessary maintenance of each cruiser and dock landing ship belonging to the Navy until the later of the following dates:

(1) The date of the enactment of the National Defense Authorization Act for Fiscal Year 2014.

(2) September 30, 2013.

SA 3176. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2705. REPORT ON COLLOCATION OF AIR FORCE MATERIEL COMMAND ORGANIZATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the collocation of Air Force Materiel Command organizations.

(b) CONTENT.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the efficiencies and effectiveness associated with the collocation of Air Force Material Command organizations.

(2) An assessment of the organizational construct to determine how institutional synergies that were previously available in a collocated center can be replicated in the new Air Force Material Command Center reorganization, including an assessment of the following Air Force Material Command capabilities:

(A) Science and Technology, Acquisition.

(B) Developmental Test and Evaluation.

(C) Operational Test and Evaluation.

(D) Follow-on Operational Test and Evaluation.

(3) An assessment of synergistic efficiencies associated with capabilities of collocated organizations of other commands responsible for initial and follow-on test and evaluation of systems.

(4) An assessment of how the Air Force reorganization of Air Force Material Command is in adherence with section 2687 of title 10, United States Code.

(5) An analysis of the extent to which the proposed changes in the Air Force management structure were coordinated with the Office of the Secretary of Defense and the Director, Test Resource Management Center and the degree to which their concerns, if any, were addressed in the approach selected by the Air Force.

SA 3177. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2705. AIR ARMAMENT CENTER, EGLIN AIR FORCE BASE, FLORIDA.

The Secretary of the Air Force shall retain an Air Armament Center at Eglin Air Force Base, Florida, in name and function, with the same integrated mission elements, responsibilities, and capabilities as existed upon the completion of implementation of the recommendations of the 2005 Base Closure and Realignment Commission regarding such military installation contained in the report transmitted by the President to Congress in accordance with section 2914(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), until such time as such integrated mission elements, responsibilities, and capabilities are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

SA 3178. Mrs. HUTCHISON submitted an amendment intended to be proposed

by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 585. AWARD OF PURPLE HEART TO MEMBERS OF THE ARMED FORCES WHO WERE VICTIMS OF THE ATTACKS AT RECRUITING STATION IN LITTLE ROCK, ARKANSAS, AND AT FORT HOOD, TEXAS.

(a) AWARD REQUIRED.—The Secretary of the military department concerned shall award the Purple Heart to the members of the Armed Forces who were killed or wounded in the attacks that occurred at the recruiting station in Little Rock, Arkansas, on June 1, 2009, and at Fort Hood, Texas, on November 5, 2009.

(b) EXCEPTION.—Subsection (a) shall not apply to a member of the Armed Forces whose wound was the result of the willful misconduct of the member.

SA 3179. Mr. BENNET (for himself, Mr. WARNER, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle I—Safeguarding United States Satellite Leadership and Security

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Safeguarding United States Satellite Leadership and Security Act of 2012''.

SEC. 1092. AUTHORITY TO DETERMINE APPROPRIATE EXPORT CONTROLS FOR SATELLITES AND RELATED ITEMS.

Notwithstanding any other provision of law, the President is authorized to determine the appropriate export controls of satellites and related items and transfer such items based on national security and foreign policy objectives from the jurisdiction of the International Traffic in Arms Regulations (22 CFR part 120 et seq.) to the Export Administration Regulations (15 CFR part 730 et seq.), consistent with the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

SEC. 1093. PROHIBITION ON TRANSFERS TO THE PEOPLE'S REPUBLIC OF CHINA.

No satellite or related item made subject to the jurisdiction of the Export Administration Regulations pursuant to section 1092 may be transferred, directly or indirectly, to the Government of the People's Republic of China or any entity or person in or acting for or on behalf of the People's Republic of China or launched in the People's Republic of China or as part of a launch vehicle owned, operated, or manufactured by the Government of the People's Republic of China.

SEC. 1094. PROHIBITION ON TRANSFERS TO STATE SPONSORS OF TERRORISM AND NORTH KOREA.

No satellite or related item made subject to the jurisdiction of the Export Administration Regulations pursuant to section 1092 may be transferred, directly or indirectly, to—

(1) North Korea, Cuba, Iran, Sudan, Syria, or any country that is designated by the Secretary of State as supporting international terrorism under section 6 of the Export Administration Act (50 U.S.C. App. 2405(j) (as continued in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.)), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(2) any entity or person in or acting for or on behalf of such a country; or

(3) as part of a launch vehicle owned, operated, or manufactured by the government of such a country.

SEC. 1095. RULE OF CONSTRUCTION REGARDING PRESIDENTIAL WAIVER AUTHORITY.

Nothing in this subtitle shall be construed as removing or limiting the waiver authority of the President under part 126 of the International Traffic in Arms Regulations (22 CFR part 126), as in effect on the date of the enactment of this Act.

SEC. 1096. RULE OF CONSTRUCTION REGARDING SPECIAL EXPORT CONTROL AUTHORITIES.

Nothing in this subtitle shall be construed as removing or limiting existing authorities of the President under section 1514 (a) and (b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 22 U.S.C. 2778 note) with respect to defense articles that remain subject to the jurisdiction of the International Traffic in Arms Regulations or to otherwise take such actions as are necessary to implement requirements for improving national security controls in the export licensing of satellites, launch vehicles, and related items.

SA 3180. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

''SEC. 417G. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

''(a) DEVELOPMENT OF SCIENTIFIC FRAMEWORK.—

''(1) IN GENERAL.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall develop (in accordance with subsection (c)) a scientific framework for the conduct or support of research on such cancer.

''(2) CONTENTS.—The scientific framework with respect to a recalcitrant cancer shall include the following:

''(A) CURRENT STATUS.—

''(i) REVIEW OF LITERATURE.—A summary of findings from the current literature in the areas of—

''(I) the prevention, diagnosis, and treatment of such cancer;

''(II) the fundamental biologic processes that regulate such cancer (including similarities and differences of such processes from the biological processes that regulate other cancers); and

''(III) the epidemiology of such cancer.

''(ii) SCIENTIFIC ADVANCES.—The identification of relevant emerging scientific areas and promising scientific advances in basic, translational, and clinical science relating to the areas described in subclauses (I) and (II) of clause (i).

''(iii) RESEARCHERS.—A description of the availability of qualified individuals to conduct scientific research in the areas described in clause (i).

''(iv) COORDINATED RESEARCH INITIATIVES.—The identification of the types of initiatives and partnerships for the coordination of intramural and extramural research of the Institute in the areas described in clause (i) with research of the relevant national research institutes, Federal agencies, and non-Federal public and private entities in such areas.

''(v) RESEARCH RESOURCES.—The identification of public and private resources, such as patient registries and tissue banks, that are available to facilitate research relating to each of the areas described in clause (i).

''(B) IDENTIFICATION OF RESEARCH QUESTIONS.—The identification of research questions relating to basic, translational, and clinical science in the areas described in subclauses (I) and (II) of subparagraph (A)(i) that have not been adequately addressed with respect to such recalcitrant cancer.

''(C) RECOMMENDATIONS.—Recommendations for appropriate actions that should be taken to advance research in the areas described in subparagraph (A)(i) and to address the research questions identified in subparagraph (B), as well as for appropriate benchmarks to measure progress on achieving such actions, including the following:

''(i) RESEARCHERS.—Ensuring adequate availability of qualified individuals described in subparagraph (A)(iii).

''(ii) COORDINATED RESEARCH INITIATIVES.—Promoting and developing initiatives and partnerships described in subparagraph (A)(iv).

''(iii) RESEARCH RESOURCES.—Developing additional public and private resources described in subparagraph (A)(v) and strengthening existing resources.

''(3) TIMING.—

''(A) INITIAL DEVELOPMENT AND SUBSEQUENT UPDATE.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall—

''(i) develop a scientific framework under this subsection not later than 18 months after the date of the enactment of this section; and

''(ii) review and update the scientific framework not later than 5 years after its initial development.

''(B) OTHER UPDATES.—The Director of the Institute may review and update each scientific framework developed under this subsection as necessary.

''(4) PUBLIC NOTICE.—With respect to each scientific framework developed under subsection (a), not later than 30 days after the date of completion of the framework, the Director of the Institute shall—

''(A) submit such framework to the Committee on Energy and Commerce and Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and Committee on Appropriations of the Senate; and

''(B) make such framework publically available on the Internet website of the Department of Health and Human Services.

''(b) IDENTIFICATION OF RECALCITRANT CANCER.—

''(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Director of the Institute shall identify two or more recalcitrant cancers that each—

''(A) have a 5-year relative survival rate of less than 20 percent; and

''(B) are estimated to cause the death of at least 30,000 individuals in the United States per year.

''(2) ADDITIONAL CANCERS.—The Director of the Institute may, at any time, identify other recalcitrant cancers for purposes of this section. In identifying a recalcitrant cancer pursuant to the previous sentence, the Director may consider additional metrics of progress (such as incidence and mortality rates) against such type of cancer.

''(c) WORKING GROUPS.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall convene a working group comprised of representatives of appropriate Federal agencies and other non-Federal entities to provide expertise on, and assist in developing, a scientific framework under subsection (a). The Director of the Institute (or the Director's designee) shall participate in the meetings of each such working group.

''(d) REPORTING.—

''(1) BIENNIAL REPORTS.—The Director of NIH shall ensure that each biennial report under section 403 includes information on actions undertaken to carry out each scientific framework developed under subsection (a) with respect to a recalcitrant cancer, including the following:

''(A) Information on research grants awarded by the National Institutes of Health for research relating to such cancer.

''(B) An assessment of the progress made in improving outcomes (including relative survival rates) for individuals diagnosed with such cancer.

''(C) An update on activities pertaining to such cancer under the authority of section 413(b)(7).

''(2) ADDITIONAL ONE-TIME REPORT FOR CERTAIN FRAMEWORKS.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall, not later than 6 years after the initial development of a scientific framework under subsection (a), submit a report to the Congress on the effectiveness of the framework (including the update required by subsection (a)(3)(A)(ii)) in improving the prevention, detection, diagnosis, and treatment of such cancer.

''(e) RECOMMENDATIONS FOR EXCEPTION FUNDING.—The Director of the Institute shall consider each relevant scientific framework developed under subsection (a) when making recommendations for exception funding for grant applications.

''(f) DEFINITION.—In this section, the term 'recalcitrant cancer' means a cancer for which the five-year relative survival rate is below 50 percent.''.

SA 3181. Mr. WHITEHOUSE (for himself, Mr. MENENDEZ, Mr. MERKLEY, Mr. LAUTENBERG, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1084. SENSE OF THE SENATE ON NATIONAL SECURITY IMPLICATIONS OF CLIMATE CHANGE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Secretary of Defense has stated that ''[t]he area of climate change has a dramatic impact on national security''.

(2) The 2010 National Security Strategy states that ''the danger from climate change is real, urgent and severe''.

(3) The 2010 Quadrennial Defense Review states that ''[c]limate change and energy are two key issues that will play a significant role in shaping the future security environment''.

(4) The 2010 Quadrennial Defense Review notes a 2008 assessment by the National Intelligence Council, which found that ''more than 30 U.S. military installations were already facing elevated levels of risk from rising sea levels''.

(5) The Defense Science Board issued a report in October 2011 on Trends and Implications of Climate Change for National and International Security, which stated that ''the effectiveness of adaptation will have significant national and international security implications''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that it is in the national security interest of the United States to assess, plan for, and mitigate the security and strategic implications of climate change.

SA 3182. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 888. ANNUAL REPORT ON DEFENSE CONTRACTING FRAUD.

(a) ANNUAL STUDY AND REPORT.—The Secretary of Defense shall conduct an annual study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) REPORT CONTENTS.—The report required under subsection (a) shall include with respect to the most recent reporting period the following elements:

(1) An assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.

(2) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including an update on implementation by the Department of any previous such recommendations.

SA 3183. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 888. PUBLIC AVAILABILITY OF DATABASE OF SENIOR DEPARTMENT OF DEFENSE OFFICIALS SEEKING EMPLOYMENT WITH DEFENSE CONTRACTORS.

Section 847(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

''(3) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary of Defense shall make available online to the public any information contained in the database or repository required under paragraph (1) that is not confidential, personal, or proprietary in nature.''.

SA 3184. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V of division A, add the following:

SEC. 561. DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS ACTIONS ON INELIGIBILITY OF CERTAIN PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION FOR PARTICIPATION IN PROGRAMS OF EDUCATIONAL ASSISTANCE.

(a) DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by inserting after section 3681 the following new section:

''§ 3681A. Ineligibility of certain proprietary institutions of higher education for participation in Department of Veterans Affairs programs of educational assistance

''(a) IN GENERAL.—Upon receipt of a notice from the Secretary of Education under clause (iii) of section 487(d)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1094(d)(2)(A)) that a proprietary institution of higher education is ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of such section, the Secretary of Veterans Affairs shall ensure that no educational assistance under the provisions of law specified in subsection (b) is available or used for education at the institution for the period of institutional fiscal years covered by such notice.

''(b) COVERED ASSISTANCE.—The provisions of law specified in this subsection are the provisions of law on educational assistance through the Department under chapters 30, 31, 32, 33, 34, and 35 of this title.

''(c) NOTICE ON INELIGIBILITY.—(1) The Secretary of Veterans Affairs shall take appropriate actions to notify persons receiving or eligible for educational assistance under the provisions of law specified in subsection (b) of the application of the limitations in section 487(d)(2) of the Higher Education Act of 1965 to particular proprietary institutions of higher education.

''(2) The actions taken under this subsection with respect to a proprietary institution shall include publication, on the Internet website of the Department that provides information to persons described in paragraph (1), of the following:

''(A) The name of the institution.

''(B) The extent to which the institution failed to meet the requirements of section 487(a)(24) of the Higher Education Act of 1965.

''(C) The length of time the institution will be ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of section 487(d)(2)(A) of that Act.

''(D) The nonavailability of educational assistance through the Department for enrollment, attendance, or pursuit of a program of education at the institution by reason of such ineligibility.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3681 the following new item:

''3681A. Ineligibility of certain proprietary institutions of higher education for participation in Department of Veterans Affairs programs of educational assistance.''.

(b) DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2008 the following new section:

''§ 2008a. Ineligibility of certain proprietary institutions of higher education for participation in Department of Defense programs of educational assistance

''(a) IN GENERAL.—Upon receipt of a notice from the Secretary of Education under clause (iii) of section 487(d)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1094(d)(2)(A)) that a proprietary institution of higher education is ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of such section, the Secretary of Defense shall ensure that no educational assistance under the provisions of law specified in subsection (b) is available or used for education at the institution for the period of institutional fiscal years covered by such notice.

''(b) COVERED ASSISTANCE.—The provisions of law specified in this subsection are the provisions of law on educational assistance through the Department of Defense as follows:

''(1) This chapter.

''(2) Chapters 105, 106A, 1606, 1607, and 1608 of this title.

''(3) Section 1784a of this title.

''(c) NOTICE ON INELIGIBILITY.—(1) The Secretary of Defense shall take appropriate actions to notify persons receiving or eligible for educational assistance under the provisions of law specified in subsection (b) of the application of the limitations in section 487(d)(2) of the Higher Education Act of 1965 to particular proprietary institutions of higher education.

''(2) The actions taken under this subsection with respect to a proprietary institution shall include publication, on the Internet website of the Department of Defense that provides information to persons described in paragraph (1), of the following:

''(A) The name of the institution.

''(B) The extent to which the institution failed to meet the requirements of section 487(a)(24) of the Higher Education Act of 1965.

''(C) The length of time the institution will be ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of section 487(d)(2)(A) of that Act.

''(D) The nonavailability of educational assistance through the Department for enrollment, attendance, or pursuit of a program of education at the institution by reason of such ineligibility.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2008 the following new item:

''2008a. Ineligibility of certain proprietary institutions of higher education for participation in Department of Defense programs of educational assistance.''.

SEC. 562. PROGRAM PARTICIPATION AGREEMENTS FOR PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION.

Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended—

(1) in subsection (a)(24)—

(A) by inserting ''that receives funds provided under this title'' before '', such institution''; and

(B) by striking ''other than funds provided under this title, as calculated in accordance with subsection (d)(1)'' and inserting ''other than Federal educational assistance, as defined in subsection (d)(5) and calculated in accordance with subsection (d)(1)''; and

(2) in subsection (d)—

(A) in the subsection heading, by striking ''NON-TITLE IV'' and inserting ''NON-FEDERAL EDUCATIONAL'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''that receives funds provided under this title'' before ''shall'';

(ii) in subparagraph (B)—

(I) in clause (i), by striking ''assistance under this title'' and inserting ''Federal educational assistance''; and

(II) in clause (ii)(I), by inserting '', or on a military base if the administering Secretary for a program of Federal educational assistance under clause (ii), (iii), or (iv) of paragraph (5)(B) has authorized such location'' before the semicolon;

(iii) in subparagraph (C), by striking ''program under this title'' and inserting ''program of Federal educational assistance'';

(iv) in subparagraph (E), by striking ''funds received under this title'' and inserting ''Federal educational assistance''; and

(v) in subparagraph (F)—

(I) in clause (iii), by striking ''under this title'' and inserting ''of Federal educational assistance''; and

(II) in clause (iv), by striking ''under this title'' and inserting ''of Federal educational assistance'';

(C) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

''(A) INELIGIBILITY.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, a proprietary institution of higher education receiving funds provided under this title that fails to meet a requirement of subsection (a)(24) for two consecutive institutional fiscal years shall be ineligible to participate in or receive funds under any program of Federal educational assistance for a period of not less than two institutional fiscal years.

''(ii) REGAINING ELIGIBILITY.—To regain eligibility to participate in or receive funds under any program of Federal educational assistance after being ineligible pursuant to clause (i), a proprietary institution of higher education shall demonstrate compliance with all eligibility and certification requirements for the program for a minimum of two institutional fiscal years after the institutional fiscal year in which the institution became ineligible. In order to regain eligibility to participate in any program of Federal educational assistance under this title, such compliance shall include meeting the requirements of section 498 for such 2-year period.

''(iii) NOTIFICATION OF INELIGIBILITY.—The Secretary of Education shall determine when a proprietary institution of higher education that receives funds under this title is ineligible under clause (i) and shall notify all other administering Secretaries of the determination.

''(iv) ENFORCEMENT.—Each administering Secretary for a program of Federal educational assistance shall enforce the requirements of this subparagraph for the program concerned upon receiving notification under clause (iii) of a proprietary institution of higher education's ineligibility.''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking ''In addition'' and all that follows through ''education fails'' and inserting ''Notwithstanding any other provision of law, in addition to such other means of enforcing the requirements of a program of Federal educational assistance as may be available to the administering Secretary, if a proprietary institution of higher education that receives funds provided under this title fails''; and

(bb) by striking ''the programs authorized by this title'' and inserting ''all programs of Federal educational assistance''; and

(II) in clause (i), by inserting ''with respect to a program of Federal educational assistance under this title,'' before ''on the expiration date'';

(D) in paragraph (4)(A), by striking ''sources under this title'' and inserting ''Federal educational assistance''; and

(E) by adding at the end the following:

''(5) DEFINITIONS.—In this subsection:

''(A) ADMINISTERING SECRETARY.—The term 'administering Secretary' means the Secretary of Education, the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Homeland Security, or the Secretary of a military department responsible for administering the Federal educational assistance concerned.

''(B) FEDERAL EDUCATIONAL ASSISTANCE.—The term 'Federal educational assistance' means funds provided under any of the following provisions of law:

''(i) This title.

''(ii) Chapter 30, 31, 32, 33, 34, or 35 of title 38, United States Code.

''(iii) Chapter 101, 105, 106A, 1606, 1607, or 1608 of title 10, United States Code.

''(iv) Section 1784a of title 10, United States Code.''.

SA 3185. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. ___. ANNUAL REPORTS ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

(a) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress a report listing all assessed and voluntary contributions, including in-kind, of the United States Government for the preceding fiscal year to the United Nations and United Nations affiliated agencies and related bodies.

(b) CONTENTS.—Each report required under subsection (a) shall set forth, for the fiscal year covered by such report, the following:

(1) The total amount of all assessed and voluntary contributions, including in-kind,

of the United States Government to the United Nations and United Nations affiliated agencies and related bodies.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—

(A) the amount of such contribution;

(B) a description of such contribution (including whether assessed or voluntary);

(C) the department or agency of the United States Government responsible for such contribution;

(D) the purpose of such contribution; and

(E) the United Nations or United Nations affiliated agency or related body receiving such contribution.

(c) PUBLIC AVAILABILITY OF INFORMATION.—Not later than two weeks after submitting each report required under subsection (a), the Director of the Office of Management and Budget shall post a public version of the report on a text-based, searchable, and publicly available Internet website.

SA 3186. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 888. STUDY ON ARMY SMALL ARMS AND AMMUNITION ACQUISITION.

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center to conduct a study on the Army's acquisition of small arms and ammunition to determine each of the following:

(A) A comparative evaluation of the current military small arms in use by United States general purpose and special operations forces, allied foreign militaries, and those potential candidate small arms not necessarily in use militarily but available commercially.

(B) An assessment of the Department of Defense's current plans to modernize its small arms capabilities.

(C) A comparative evaluation of the Army's standard small arms ammunition with other small arms ammunition alternatives.

(2) FACTORS TO CONSIDER.—The study required under subsection (a) shall take into consideration the following factors:

(A) Current and future operating environments as specified or referred to in Department of Defense strategic guidance and planning documents.

(B) Modifications and improvements recently applied to United States general purpose and special operations forces small arms as well as their potential for continued modification and improvement.

(C) Industrial base impacts.

(3) ACCESS TO INFORMATION.—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a), together with the comments of the Secretary of Defense on the findings contained in the study.

(2) CLASSIFIED ANNEX.—The report shall be in unclassified form, but may contain a classified annex.

(c) DEFINITIONS.—In this section:

(1) The term ''small arms'' means—

(A) firearms up to but not including .50 caliber; and

(B) shotguns.

(2) The term ''small arms ammunition'' means ammunition or ordnance for—

(A) firearms up to but not including .50 caliber; and

(B) shotguns.

SA 3187. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ADDITIONAL RESPONSIBILITIES AND RESOURCES FOR DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION.

(a) SUPERVISION.—Section 139b(a)(3) of title 10, United States Code, is amended by striking ''to the Under Secretary'' before the period and inserting ''directly to the Under Secretary, without the interposition of any other supervising official''.

(b) CONCURRENT SERVICE.—Section 139b(a)(7) of such title is amended by striking ''may'' and inserting ''shall''.

(c) RESOURCES.—Section 139b(a) of such title is amended by adding at the end the following new paragraph:

''(8) RESOURCES.—

''(A) The President shall include in the budget transmitted to Congress, pursuant to section 1105 of title 31, for each fiscal year, a separate statement of estimated expenditures and proposed appropriations for the fiscal year for the activities of the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation in carrying out the duties and responsibilities of the Deputy Assistant Secretary under this section.

''(B) The Deputy Assistant Secretary of Defense for Developmental Test and Evaluation shall have sufficient professional staff of military and civilian personnel to enable the Deputy Assistant Secretary to carry out the duties and responsibilities prescribed by law. The resources for the Deputy Assistant Secretary shall be comparable to the resources, including Senior Executive Service positions, other civilian positions, and military positions, available to the Director of Operational Test and Evaluation.''.

(d) ANNUAL REPORT.—Section 139b(d) of such title is amended—

(1) in the subsection heading, by striking ''JOINT'';

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by inserting ''(1)'' before ''Not later than March 31'';

(4) in the matter appearing before subparagraph (A), as so redesignated, by striking ''jointly'' and inserting ''each''; and

(5) by adding at the end the following new paragraph:

''(2) With respect to the report required under paragraph (1) by the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation—

''(A) the report shall include a separate section that covers the activities of the Department of Defense Test Resource Management Center (established under section 196 of this title) during the preceding year; and

''(B) the report shall be transmitted to the Under Secretary of Defense for Acquisition, Technology, and Logistics at the same time it is submitted to the congressional defense committees.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 28, 2012, at 2 p.m., to hold a nominations hearing.

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

SUBCOMMITTEE ON INTERNATIONAL DEVELOPMENT AND FOREIGN ASSISTANCE, ECONOMIC AFFAIRS AND INTERNATIONAL ENVIRONMENTAL PROTECTION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 28, 2012, at 10 a.m., to hold an International Development and Foreign Assistance, Economic Affairs and International Environmental Protection subcommittee hearing entitled, ''Evaluating Current U.S. Global Food Security Efforts and Determining Future U.S. Leadership Opportunities.''

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

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that Jesse Marseille, an intern in my office, be granted the privilege of the floor for the duration of the day.

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

Ms. MURRAY. Mr. President, I ask unanimous consent that Maj. Megan A. Kinne, a U.S. Air Force officer who is currently serving as a defense legislative fellow this year in Senator REID's office, be granted floor privileges for the duration of S. 3254, the National Defense Authorization Act for 2013.

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that LCDR Todd Ladwig, a Navy fellow in my office, and interns Jackie Kerber, Tassilo von Bismark, and Daniel Edwards, be allowed floor privileges for the duration of the Senate's debate on S. 3254, the National Defense Authorization Act.

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

Mr. INHOFE. Mr. President, I ask unanimous consent that CAPT Tony Pankuch, a defense fellow in my office, be granted floor privileges for the remainder of this year.

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

Mr. WYDEN. Mr. President, I ask unanimous consent that LTC Matt Groves, a Department of Defense fellow assigned to my office, be granted the privilege of the floor for the remainder of debate on S. 3254, the National Defense Authorization Act.

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

Mr. CARDIN. Mr. President, I ask unanimous consent that floor privileges be granted to Ann Y. Lee, a Department of Defense fellow, during the Senate consideration of S. 3254, the fiscal year 2013 National Defense Authorization Act.

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

Mr. BLUNT. Mr. President, I ask unanimous consent that my defense fellow, MAJ Mark O'Neill, be allowed access to the Senate floor as long as the Defense authorization bill be considered, and I ask unanimous consent request on behalf of Senator COCHRAN that Karen Courington and Mike Hansen, legislative fellows detailed to the Committee on Appropriations, and Taylor Lam, a fellow in Senator COCHRAN's office, be granted the privilege of the floor during consideration of the National Defense Authorization Act for fiscal year 2013.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that Patricia Clough, a fellow in Senator WARNER's office, be granted privileges of the floor during consideration of Treaty Document 112–7, and S. 3254.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that David Bjerke, a defense fellow in Senator BLUMENTHAL's office, be granted floor privileges for the duration of the debate on the National Defense Authorization Act for Fiscal Year 2013.

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Dorothy Englehardt, a military fellow in my office, be granted the privilege of the floor for the remainder of the debate on this bill.

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

Ms. COLLINS. Mr. President, I ask unanimous consent that LCDR Peter Halvorsen, the military fellow from the Department of Navy, be granted floor privileges for the remainder of the consideration of the Defense authorization bill.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that floor privileges during this vote and subsequent votes on the bill be granted to Bruce Cohen, Erica Schabot, and Matt Virkstis.

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

DHS AUDIT REQUIREMENT TARGET ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 535, S. 1998.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1998) to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''DHS Audit Requirement Target Act of 2012'' or the ''DART Act''.

SEC. 2. IMPROVING FINANCIAL ACCOUNTABILITY AND MANAGEMENT.

(a) DEFINITIONS.—In this section—

(1) the term ''Department'' means the Department of Homeland Security;

(2) the term ''financial management systems'' has the meaning given that term under section 806 of the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note);

(3) the term ''Secretary'' means the Secretary of Homeland Security; and

(4) the term ''unqualified opinion'' mean an unqualified opinion within the meaning given that term under generally accepted auditing standards.

(b) REACHING AN UNQUALIFIED AUDIT OPINION.—In order to ensure compliance with the Department of Homeland Security Financial Accountability Act (Public Law 108–330; 118 Stat. 1275) and the amendments made by that Act, the Secretary shall take the necessary steps to ensure that the full set of consolidated financial statements of the Department for the fiscal year ending September 30, 2013, and each fiscal year thereafter, are ready in a timely manner and in preparation for an audit as part of preparing the performance and accountability reports required under section 3516(f) of title 31, United States Code, (including submitting the reports not later than November 15, 2013, and each year thereafter) in order to obtain an unqualified opinion on the full set of financial statements for the fiscal year.

(c) REPORT TO CONGRESS ON PROGRESS OF MEETING AUDIT REQUIREMENTS.—In order to ensure progress in implementing the Department of Homeland Security Financial Accountability Act (Public Law 108–330; 118 Stat. 1275), and the amendments made by that Act, during the period beginning on the date of enactment of this Act and ending on the date on which an unqualified opinion described in subsection (b) is submitted, each report submitted by the Chief Financial Officer of the Department under section 902(a)(6) of title 31, United States Code, shall include a plan—

(1) to obtain an unqualified opinion on the full set of financial statements, which shall discuss plans and resources needed to meet the deadlines under subsection (b);

(2) that addresses how the Department will eliminate material weaknesses and significant deficiencies in internal controls over financial reporting and provides deadlines for the elimination of such weaknesses and deficiencies; and

(3) to modernize the financial management systems of the Department, including timelines, goals, alternatives, and costs of the plan, which shall include consideration of alternative approaches, including modernizing the existing financial management systems and associated financial controls of the Department and establishing new financial management systems and associated financial controls.

Mr. REID. I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The amendment in the nature of a substitute was agreed to.

The bill (S. 1998), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR THURSDAY, NOVEMBER 29, 2012

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow at 9:30 a.m. Thursday, November 29, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders be reserved for their use later in the day; that the Senate be in a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; and that following morning business, the Senate resume consideration of S. 3254, the DOD Authorization Act.

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

PROGRAM

Mr. REID. Mr. President, we continue to work through amendments to the DOD. We are not going to be on this bill forever. If people want to offer amendments, they should come and do it. We hope to finish the work on this bill this week.

ADJOURNMENT UNTIL 9:30 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 7:18 p.m., adjourned until Thursday, November 29, 2012, at 9:30 a.m.